

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No.M-41943 of 2013 (O&M)

Date of decision : 03.07.2018

Prem Singh

... Petitioner

Versus

Ram Rattan Fore

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Arun Singal, Advocate
for the petitioner.

Mr. Vishal Malik, Advocate
for the respondent.

RAJ SHEKHAR ATTRI, J.(Oral)

The petitioner has preferred the instant petition under Section 407 Cr.P.C. for transferring the sessions complaint case No.39 of 2012 filed under Section 3 of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, from the Court at Panipat to some other competent court in another district of Haryana.

Undisputedly, number of civil and criminal matters are pending between the parties in different courts at Panipat. The petitioner has filed criminal complaint No.173 of 2006 before the Addl. Chief Judicial Magistrate, Panipat on 19.05.2006 alleging therein that the petitioner is working as a tubewell operator in the department of Public Health, Panipat. Respondent Ram Rattan fore had come to the tubewell and throw the dust and waste articles in the tubewell complex. When the wife of complainant resisted, the respondent called bad names to her by her

caste and also assaulted her.

Under these allegations, complaint was filed which is pending.

It has been submitted that the respondent is an advocate, therefore, the counsel engaged by the petitioner have withdrawn their power of attornies. The petitioner infact changed four counsel. Now it is difficult for the petitioner to pursue the complaint at Panipat.

The respondent contested the instant petition by filing reply wherein it has been submitted that in other civil matters, petitioner has already engaged counsel and in this case also, he engaged four counsel. The petitioner is in the habit of changing the counsel again and again.

I have heard learned counsel for the parties and have gone through the record.

The record transpires that earlier Civil Suit No.190 dated 28.04.2006, decided on 10.01.2011 was pending between the parties. In that case petitioner had been impleaded as defendant No.4 and he was duly represented by a counsel. That suit was also filed by respondent Ram Rattan fore. The petitioner preferred Civil Appeal No.53 of 2012 which had been decided on 14.01.2013 by learned Addl. District Judge, Panipat. In that case also, he engaged his own counsel. Apart from it, one more criminal complaint under Sections 499, 500, 120-B, 34 IPC was filed against the petitioner and other accused and in that case also, the petitioner had engaged counsel. Apart from that, other numerous cases are pending and decided between the parties. It cannot be said that the members of the Bar at Panipat had ever refused to appear on behalf of the petitioner. Apart from it, the petitioner is at liberty to seek free legal aid counsel by approaching learned Secretary, District Legal Services Authority, Panipat.

After going through the entire material available on record, no case is made out to transfer criminal case No.39 of 2012 filed under Section 3 of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, from the Court at Panipat to some other competent court in another district of Haryana.

Therefore, the instant petition being devoid of any merit is dismissed.

03.07.2018
mamta-M

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No