

262.

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-40537-2017

Date of decision:25.09.2018.

SUBHASH CHAND

... Petitioner

Versus

VIJAY PAL

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. J.P. Sharma, Advocate,
for the petitioner.

Mr. Mohit, Advocate, for
Mr. Abhishek Yadav, Advocate,
for the respondent.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 407 read with Section 482 Cr.P.C. is for transfer of complaint No.655/2016 dated 07.09.2016 titled as "Vijay Pal Versus Subhash Chand", under Section 138/142 of Negotiable Instruments Act, 1881, pending in the Court of learned Judicial Magistrate Ist Class, Rewari.

Briefly stated, the respondent-complainant has filed a complaint under Section 138/142 of Negotiable Instruments Act against the petitioner-accused. The petitioner had availed a friendly loan of Rs.11 lakhs from the complainant and agreed to pay the same after a period of six months. However, the said amount was not repaid and in order to discharge his existing liability towards the complainant, the petitioner-accused issued a Cheque No.313146 dated 06.08.2016 for an amount of Rs.11 lakhs, of

complainant. However, the said cheque was presented on 08.08.2016 and the same was returned unpaid vide memo dated 09.08.2016 by his banker on account of "Payment Stopped By Drawer". The complainant still requested the accused for the payment.

It is the said complaint which is being sought to be transferred by the petitioner to the court of learned Chief Judicial Magistrate, Narnaul or any other competent court outside the District Rewari.

At this stage, it has been informed that the trial in the case is at an advance stage.

However, this fact has been controverted by the counsel appearing on behalf of the respondent. He states that the trial in the case has already been concluded and even the petitioner has been convicted in the said case.

In view of above, this Court finds that the present petition is rendered infructuous.

Dismissed as infructuous.

(HARI PAL VERMA)
JUDGE

25.09.2018
sanjeev

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