

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

265

CRM-M-41892 of 2017

Date of Decision: March 20, 2018

Shamsher Singh

.....Petitioner

versus

Gurcharan Singh

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Raj Kapoor Malik, Advocate for the petitioner.

None for the respondent.

Sudhir Mittal, J. (Oral)

The petitioner seeks transfer of complaint case No.3/2016 dated 04.01.2016 (Annexure P-3) pending before the Court of Sh. Ashok Mann, SDJM, Ratia to the Court of Sh. Amberdeep Singh, Judicial Magistrate Ist Class, Kaithal.

2. Learned counsel for the petitioner submits that respondent had sold one truck to the petitioner and some payment was made in cash while the balance was paid by cheque. The petitioner approached a finance company for taking loan against the said truck and then it came to light that the Engine number and Chassis number had been tampered with. Further, FIR No.217 dated 28.05.2016 (Annexure P-1) was registered at Police Station Civil Line, Kaithal under sections 420, 467, 471 IPC. A request was made to the respondent to return cheques but despite that, the respondent presented one cheque, resulting in complaint case No. 3/2016, dated

04.01.2016. It is his submission that the legal notice dated 20.12.2015 (Annexure P-2) was served upon the respondent and yet he proceeded to file complaint case referred to herein before.

3. Despite service, respondent has not put in appearance.

4. In view of the submission made by learned counsel for the petitioner, I deem it appropriate to allow this petition and transfer the case from the Court of Sh. Ashok Mann, SDJM, Ratia to the Court of Sh.Amberdeep Singh, Judicial Magistrate Ist Class, Kaithal. Sh.Amberdeep Singh, Judicial Magistrate Ist Class, Kaithal, shall proceed further from the stage at which the case was pending.

March 20, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No