

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-7105-2018

Date of decision : 28.3.2018

Ramandeep

... Petitioner

VERSUS

Veenu Chaudhary and another

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Harpal Sidhu, Advocate,
for the petitioner.

RAJ SHEKHAR ATTRI, J.(Oral)

This is a petition under Section 407 read with Section 482 of Code of Criminal Procedure for transferring Criminal Appeal No.643 of 2016 of 15.10.2016 under Section 138 of Negotiable Instruments Act pending in the Court of Shri K.K.Kareer, Additional Sessions Judge, Ludhiana to some other Court in District Ludhiana.

Comments of learned Additional District & Sessions Judge, Ludhiana has been received. It is alleged in para. 3 and 4 of the petition as under : -

“3. That during the pendency of the above mentioned appeal, the petitioner has filed one application under section 311 Cr.P.C. dated 2.11.2017 to lead additional evidence, which is yet to be disposed off by the Ld. Sh. K.K. Kareer, Additional Sessions Judge, Ludhiana. The true typed copy of the application dated 02.11.2017 is (Annexure P-1).

4. That on 29.11.2017 the respondent no.1/complainant filed reply to the said application before the above said Court of Sh. K.K.Kareer, Additional Sessions Judge, Ludhiana. The counsel for the petitioner appeared before the Hon'ble Sh. K.K.Kareer, Additional Sessions Judge, Ludhiana on 29.11.2017 and requested the concerned reader of the said court

to supply the copy of the reply filed by the counsel of the respondent no.1. But the reader of Hon'ble Court disclosed that the copy of the reply was not provided by the respondent no.1, at which the counsel for the petitioner has made a submission before the Hon'ble Court to direct the respondent no.1 to provide the copy of the said reply. It is pertinent to mention here that the Ld. Presiding Judge openly stated that why the petitioner requires the copy of the reply, as he is going to dismiss the said criminal appeal. The said remarks of Ld. Presiding Officer shattered the confidence and faith of the petitioner/appellant and the petitioner/appellant has every reason to believe that she is not likely to have a fair trial and justice in the above said Hon'ble Court.”

Earlier the petitioner moved an application for transfer before learned Sessions Judge which was dismissed. It is alleged in para 4 of the petition that learned Presiding Officer had openly declared in the Court regarding fate of the criminal appeal pending before him but these allegations have been refuted by learned Presiding Officer in his comments.

No ground is made out for transfer of the case, as such, this petition is dismissed.

March 28, 2018

Paritosh Kumar

**(RAJ SHEKHAR ATTRI)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No