

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

CRM No.M-28058 of 2019 (O&M)

Date of Decision: July 05, 2019

M/s Jain Impex and another

...Petitioners

VERSUS

Narpinder Kumar Aggarwal

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Aayush Gupta, Advocate
for the petitioners.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 407 Cr.P.C. for transferring the case titled as 'Narpinder Kumar Aggarwal vs. M/s Jain Impex and another' bearing case No.NACT-307 of 2018 under Section 138 read with section 142 of the Negotiable Instruments Act, pending in the Court of learned ACJ(SD)-cum-SDJM, Zira, District Ferozepur to the competent Court of jurisdiction at Ludhiana or to any other Court.

Learned counsel for the petitioners argued that respondent is a leading Advocate at Zira, therefore, it is difficult to get the decision in fair and impartial manner.

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

From the perusal of the record, I find that for transferring the case from Zira to Ludhiana, no ground is made out. The petitioners, who

are accused in the complaint case, are residing at Ludhiana and there is no law to see convenience of the accused. The complainant is also to appear in the complaint case to pursue the proceedings. Furthermore, nothing has been argued as to why the case should be transferred to Ludhiana or out of the Session Division. As per law, this is no ground that respondent is an Advocate and practising there. There is nothing at this stage that any Advocate has refused to appear on behalf of the petitioners. Furthermore, even if it is taken that respondent is a practising Advocate, even then, there is nothing to show how he has influence upon the Presiding Officer. If the petitioners have apprehension, they should have approached learned CJM, Ferozepur etc., as per law, for getting the case transferred from Zira to Ferozepur or other Sub-Division but they have not approached learned CJM, Ferozepur etc., for this purpose.

Therefore, finding no merit in the present petition, the same is dismissed. However, the petitioners are at liberty to file application for transfer of the case before learned CJM, Ferozepur etc., as per law and if any application is filed, then that application should be decided on merits, without being influenced, in any way, from the averments stated above in this case.

July 05, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No