

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-38515 of 2019 (O&M)

Date of Decision: 16.12.2019

Sudesh Kumar

... Petitioner(s)

Versus

Girish Kapoor

... Respondent(s)

CORAM: Hon'ble Mr. Justice Amol Rattan Singh

Present: Mr. R.K.Dogra, Advocate
for the petitioner(s).

Mr. Shashank Sharma, Advocate
for the respondent.

Amol Rattan Singh, J.

By this petition, the petitioner seeks that three cases instituted by the same complainant against him, i.e. the respondent herein, Girish Kapoor, be transferred and clubbed to be heard by one Court, with one complaint having been instituted at Chandigarh and the other two at Panchkula, with all of them stated to have been pending before the learned Judicial Magistrate Ist Class in each Court.

Notice of motion having been issued on 12.12.2019, learned counsel for the respondent very fairly does not oppose the transfer of the petitions to one place, but submits that the trial in the complaint at Chandigarh having reached at an advanced stage, it should not be that petition which should be transferred to Panchkula but the other two instituted at Panchkula which can be transferred to Chandigarh. He further submits that the cases may not be ordered to be clubbed together in view of the fact that the one at Chandigarh is at an advanced stage, whereas the other two at Panchkula are still at a nascent stage.

contention by stating that all three complaints, instituted under the provisions of the Negotiable Instruments Act, 1881, actually pertain to the same transaction.

Those being the contentions raised, the petition is allowed to the extent that the two complaints at Panchkula, i.e. bearing CIS No. NACT/1034/2017 dated 11.10.2017 and CIS No. NACT/987/2017 dated 27.07.2017, pending before the learned Judicial Magistrate Ist Class, Panchkula, be transferred by that court to the court of the learned Chief Judicial Magistrate, Chandigarh; and upon such transfer, if the petitioner wishes that the complaints be heard together, he would make an appropriate application before the competent Court in Chandigarh, which will consider the matter wholly on its merits and thereafter pass an order accordingly.

Upon the Chief Judicial Magistrate/Judicial Magistrate, Panchkula transferring the two complaints to Chandigarh, the petitioner will be given one week's time to file an appropriate application if he so wishes for clubbing of the cases, which would thereafter be taken up and decided within a period of one month.

Prior to the decision of that application, the final order in the criminal complaint already pending at Chandigarh, i.e. bearing No. 11398 of 2017, will not be passed.

Disposed of.

(Amol Rattan Singh)
Judge

December 16, 2019

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No