

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

CRM-M-8559-2020

Date of decision:-27.2.2020

Renu Chhabra

...Petitioner

Versus

Krishan Kumar

...Respondent

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN**Present** : Mr.M.K. Sood, Advocate
for the petitioner.

H.S. MADAAN, J.

Renu Chhabra, an accused in criminal complaint filed by Krishan Kumar against her pending in the Court of Sh.Puneet Limbha, Judicial Magistrate Ist Class, Gurugram had filed an application before Chief Judicial Magistrate, Gurugram seeking transfer of that complaint to some other Court. According to the applicant/accused another complaint No.4736/2017 titled as 'Dushyant Kumar Versus Renu Chhabra' has been pending in that very Court. One more complaint titled as 'Krishan Kumar Versus Renu Chhabra' was pending in the Court in question. In the said complaint arguments were heard by learned Magistrate on 6.7.2019 and the case was posted to 12.7.2019. But the trial Court did not pronounce the judgment and adjourned the matter to 17.7.2019,

25.7.2019, 8.8.2019, 16.8.2019, 29.8.2019 and 31.8.2019. After hearing the arguments, the accused was convicted. Copy of the judgment was supplied to the applicant on 18.9.2019 and she had been given time till 15.10.2019 to file appeal against the judgment dated 10.9.2019 and conviction order dated 12.9.2019. Proper procedure as provided under Section 353 Cr.P.C. was not followed and time of 30 days was not given to the applicant. It comes out that Sh.Puneet Limbha, Judicial Magistrate Ist Class, Gurugram is not serious to adopt the provisions and procedure as provided in Cr.P.C. and there is apprehension in the mind of the applicant that the other two complaints in which she is an accused, she would not get justice from that Court.

Learned Chief Judicial Magistrate, Gurugram had issued notice to the respondent/complainant, who had appeared and then vide detailed order dated 14.12.2019 dismissed the application.

The applicant had preferred a revision petition before the Court of Sessions challenging the order passed by learned Chief Judicial Magistrate, Gurugram dismissing the transfer application. That revision petition was also dismissed by learned Sessions Judge, Gurugram vide order dated 17.1.2020.

As such, the applicant/accused has approached this Court by way of filing present petition under Section 482 Cr.P.C. praying that such orders passed by Chief Judicial Magistrate, Gurugram and Sessions Judge, Gurugram be set aside.

I have heard learned counsel for the petitioner/accused Renu Chhabra besides going through the record and I find that there is no merit in the present revision petition.

The petitioner seems to be aggrieved by the fact that she had been convicted in a case by learned trial Magistrate. Although according to her after hearing arguments, learned trial Magistrate had adjourned the case several times and then ultimately pronounced the order. But there is nothing to show that the petitioner had brought that fact to the notice of learned Sessions Judge, Gurugram or this Court on administrative side. The transfer of a case from one Court to other cannot be taken in a light manner since that definitely affects the morale of a judicial officer. The request for transfer is to be accepted only when there are sufficient and compelling reasons for doing so. In the instant case, Chief Judicial Magistrate, Gurugram and learned Sessions Judge, Gurugram did not find any such reason for transfer of the case. Both the Courts have exercised their discretion in a proper and appropriate manner without any element of arbitrariness.

The orders are quite detailed and well reasoned and do not suffer from any illegality or infirmity, which might have called for interference of this Court while exercising jurisdiction under Section 482 Cr.P.C. Chief Judicial Magistrate, Gurugram and learned Sessions Judge, Gurugram are well aware of the reputation and competence of the judicial officers working in their Sessions

Division and the orders passed by them are not to be upset in a light manner. From the allegations levelled by the applicant, no cogent or convincing reason comes out to be there calling for transfer of the case from the Court of Sh.Puneet Limbha, Judicial Magistrate Ist Class, Gurugram to some other Court.

The petition being without merit stands dismissed accordingly.

27.2.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No