

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

(Heard through VC)

CRM No.14848 of 2021 (O&M)

Date of Decision: April 05, 2021

Subhash Chand

...Petitioner

Versus

Axis Bank

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Satyawar Singh Nain, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed seeking transfer of complaint case No.COMA/12797/18.09.2018 titled as *Axis Bank vs. Subhash Chand*, under Section 138 of Negotiable Instruments Act read with Section 420 of Indian Penal Code pending in the court of Sh. Satish Kumar, JMIC, Ludhiana, from District Court Ludhiana to District Court Karnal.

Counsel for the petitioner herein would contend that the respondent-Bank intentionally got dishonoured the cheque in question at Ludhiana only to harass the petitioner whereas, the branch of the petitioner-Bank is situated within the jurisdiction of District Karnal. It is submitted that distance between the village of the petitioner to Ludhiana is more than 250 kilometer and it is difficult for the petitioner to attend the proceedings at Ludhiana.

I have heard learned counsel for the petitioner and perused the pleadings of the case.

A copy of the complaint filed under Section 138 of the Negotiable Instruments Act is available on record as Annexure P-2, which would reflect that the petitioner herein had availed of Agriculture Cash Credit Facility of ₹ 10,50,000/- and executed all the relevant documents in this regard in favour of the bank and in order to discharge his legal liability, he issued the cheque in question, which on presentation by the respondent-Bank dishonoured on the ground of “Funds Insufficient”. In its complaint, the respondent-Bank has categorically stated that the offence has been committed by the accused person at Ludhiana. Under these circumstances, merely because the bank of the petitioner is situated at Karnal or that the petitioner has to attend the proceedings from Karnal to Ludhiana, is not a ground to transfer the case.

In view of the above, the instant petition is hereby dismissed, being devoid of any merits.

April 05, 2021

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No