

(2012) 07 P&H CK 0141
In the Punjab And Haryana At Chandigarh
Case No : C.R.M. No. M-1774 of 2012 (O&MN)

Gurjeet Bajaj

APPELLANT

Vs

State of Haryana & Ors.

RESPONDENT

Date of Decision : 06-07-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 407
Penal Code, 1860 (IPC) — Section 406, 498A

Citation : (2012) 4 Law Herald 3288 : (2012) 4 RCR(Criminal) 29(1)

Hon'ble Judges : Jitendra Chauhan, J

Advocate : Mr. Balraj Singh Dhull, Advocate, Mr. S.K. Hooda, Addl. AG, Haryana. For the Respondent Nos. 2 , 3: Mr. Akashdeep Singh, Advocate., Advocates for appearing Parties

Judgement

Jitendra Chauhan, J. (Oral)

1. Prayer in the present petition is for transfer of case FIR No. 183 dated 25.06.2009 under Section 406/498A/506 of the Indian Penal Code titled as "State v. Rishi Dua and another" from the Court of learned ACJM, Kurukshetra to the Court of competent jurisdiction at Panchkula.

2. The learned counsel for the petitioner states that earlier the petitioner was residing along with her mother at Kurukshetra. However, due to compelling circumstances, they have shifted to Panchkula. The learned counsel contends that there is no male member in the family to accompany her to Kurukshetra for attending the proceedings. The distance between the two stations is more than 100 kms.

3. On the other hand, the learned counsel for the respondents have vehemently opposed the prayer. It has been argued that in criminal proceedings, inconvenience of the parties is of no consequence.

4. I have heard the learned counsel for the parties and perused the record.

5. In a latest judgment rendered by Hon'ble the Apex Court, in Rajesh Talwar v.

Central Bureau of Investigation and others, [2012(2) Law Herald (SC) 1518] : 2012(2) RCR (Criminal) 259, it has been held that ?Jurisdiction of a court to conduct criminal prosecution is based on the provisions of Code of Criminal Procedure. Often either the complaint or the accused have to travel across an entire State to attend to criminal proceedings, before a jurisdictional Court. In some cases to reach the venue of the trial Court, a complaint or an accused may have to travel across several States. Likewise, witnesses too may also have to travel long distances, in order to depose before the jurisdictional Court. If the plea of inconvenience for transferring the cases from one court to another, on the basis of time taken to travel to the court conducting the criminal trial is accepted, the provisions contained in the Criminal Procedure Code embarking the courts having jurisdiction to try cases would be rendered meaningless. Convenience or inconvenience are inconsequential so far as the mandate of law is concerned. The instant plea, therefore, deserves outright rejection.?

6. In the instant case as well, the transfer has been sought on the plea of inconvenience, which cannot be accepted.

7. In view of the above, the present petition is hereby dismissed. However, the trial Court shall make an endeavour to decide the matter, as early as possible.