

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MMO No.138 of 2009.

Date of decision: 30.10.2009.

H.S. Chaudhary

.....Petitioner

Vs.

State of H.P.

.... Respondent

Coram

The Hon'ble Mr. Justice Kuldeep Singh, Judge.

Whether approved for reporting? No

For the petitioner : Mr. Rakesh Jaswal, Advocate.

For the Respondent : Mr. Anshul Bansal, Addl. Advocate General with Mr. R.P. Singh, Assistant Advocate General.

Kuldeep Singh, Judge(Oral).

The petitioner has filed this petition for transfer of Criminal Revision No.1-D/X/09, pending in the Court of learned Sessions Judge, Kangra at Dharamshala and Criminal case arising out of FIR No.28 of 2002, pending before learned Chief Judicial Magistrate , Kangra at Dharamshala to another Court of competent jurisdiction either at Una or Nahan on the ground that the petitioner is suffering from heart ailment for which a permanent pace maker has been implanted on the petitioner as reflected in the Annexure P-1 dated 26.10.2009. The main ground of transfer is the health of the petitioner. The learned counsel for the petitioner in support of the

Whether the reporters of the local papers may be allowed to see the Judgment?Yes

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health condition of the petitioner has relied Annexure P-1 dated 26.10.2009 which has been issued by Dr. Rajiv Agarwal, Sr. Consultant & Interventional Cardiologist, Batra Hospital & Medical Research Centre. In the petition there is no averment that the petitioner remained under treatment of Dr. Rajiv Agarwal nor in the Certificate Annexure P-1 it has been stated that Dr. Rajiv Agarwal treated the petitioner and for that reason Certificate annexure P-1 is of no help to the petitioner with regard to his health. The petitioner has failed to make out a case for transfer of his cases from Dharamshala either to Una or Nahan. Accordingly, petition is dismissed.

Cr.MP No.686 of 2009

In view of disposal of the main petition, this application has rendered Infructuous.

**(Kuldip Singh)
Judge.**

**October 30, 2009
(sks)**