

HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU

CRTA no. 41/2010

Date of order: 14.11.2013

Navneet Kumar Vs. State of J&K & anr

Coram:

Hon'ble Mr. Justice M. M. Kumar, Chief Justice

Appearing counsel:

For the Petitioner(s) : Mr. M. L. Gupta, Advocate.

For the Respondent(s) : Mr. Gagan Basotra, Sr. AAG.

1. The prayer made in this transfer petition is that the criminal challan titled as State v. Navneet Kumar and anr, pending before the learned Chief Judicial Magistrate, Kulgam be transferred to a Court of competent jurisdiction at Jammu.
2. According to the averments made in the petition, the petitioner and respondent no.2, who is a co-accused in the aforesaid challan, are both residents of Ludhiana (Punjab). It is stated that Challan under Section 363 R.P.C has been presented by police Station Kulgam against them and is pending before the Chief Judicial Magistrate, Kulgam. The petitioner states that since he is a resident of Punjab, it is difficult for him to prosecute the case at Kulgam where he has no place to stay. It has further been alleged that as Kulgam is far off place from the National Highway, the petitioner is unable to get convenience for his travel after he attends the Court at Kulgam.

3. I have heard the learned counsel for the parties.
4. Learned counsel for the respondent-State has stated that it would be difficult for the State to prosecute its case at Jammu because the witnesses belong to District Kulgam, however, learned State counsel has agreed that in case the trial is transferred to Anantnag, the State would have no objection to it.
6. As a sequel to the above discussion, this petition is allowed. The proceedings in criminal challan case titled State v. Navneet Kumar and anr, pending in the court of learned Chief Judicial Magistrate, Kulgam is ordered to be transferred to the Court of learned Chief Judicial Magistrate Anantnag. Learned Chief Judicial Magistrate Kulgam shall transmit the record of the file to the learned Chief Judicial Magistrate, Anantnag after retaining a photocopy of the file for record. Parties through their advocates are directed to appear before Chief Judicial Magistrate Anantnag on 07.12.2013.

(M. M. Kumar)
Chief Justice

Jammu,
08.11.2013
Anil Raina, Secy.

