

(2011) 04 P&H CK 0305

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. 6657 of 2011

Nirmal Gandhi

APPELLANT

Vs

Bhim Sain Gandhi

RESPONDENT

Date of Decision: April 5, 2011

Hon'ble Judges: Gurdev Singh, J

Bench: Single Bench

Judgement

Gurdev Singh, J.

Heard.

2. This reference by the Chief Judicial Magistrate, Jalandhar, is for the transfer of the complaint titled "Nirmal Gandhi v. Bhim Sain Gandhi" from his Court to some other District or other sub division on the ground that the complainant is the wife of the President of Bar Association, Jalandhar.

3. Keeping in view the fact that the complaint was pending in that Court from the last one and a half year before the reference was made, the Chief Judicial Magistrate was directed to furnish the record based report about the proceedings which were taken in the complaint by him and the date on which Sh. Ashok Kumar Gandhi was elected as the President of Bar Association, Jalandhar, along with copies of the proceeding orders passed by him. Report and the Copies of the proceedings orders have been submitted and perused.

4. This Chief Judicial Magistrate (Sh. Ranjit Kumar Jain) dealt with this complaint for the first time on 9.6.2010. The preliminary evidence was concluded on 1.11.2010 and thereafter the complaint was adjourned for consideration on the request of the counsel for the complainant. According to him Sh. Ashok Gandhi, Advocate was elected as President of District Bar Association, Jalandhar in the second week of April 2010. Thus, he had been proceeding with the complaint during the tenure of that President. It appears that in order to avoid the passing of any order in the complaint, he thought of the novel way of making the present reference. If he had

been proceeding with the complaint when Sh. Ashok Gandhi, Advocate was coming as the President of the District Bar Association, what made him to make this reference when the tenure of that President was just to come to an end by March 2011. This practice by the judicial officers must be avoided.

5. Reference is declined.