

Court No. - 83

Case :- TRANSFER APPLICATION (CRIMINAL) No. - 45 of 2023

Applicant :- Smt. Diksha Singh

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Devesh Kumar Shukla, Dharmesh Kumar Shukla

Counsel for Opposite Party :- G.A., Hari Om Sharan Tiwari, Shrikant Chaturvedi

Hon'ble Sanjay Kumar Pachori, J.

Sri Abhishek Shukla, Advocate holding brief of Sri Devesh Kumar Shukla, learned counsel for the applicant and Sri Hari Om Sharan, learned counsel for the opposite party no. 2 and Sri Karunakar Singh, learned learned A.G.A. for the State are present.

The present transfer application has been filed to transfer the Case No. 387 of 2021 (State vs. Prashant Kumar Singh & others) arising out of Case Crime No. 359 of 2020, under Sections 498-A, 323, 504, 506 IPC and Section 3/4 Dowry Prohibition Act, pending the court of Additional Chief Judicial Magistrate, Court No.9, Allahabad to the competent court of Bhadohi Judgeship.

Learned counsel for the applicant submits that the applicant is wife of the opposite party no. 2. The marriage of the applicant was solemnized with the opposite party no. 2 on 16.02.2016. Two other cases being Case Crime No. 83 of 2021 under Section 125 of Cr.P.C. pending in the court of Principal Judge, Family Court, Bhadohi and Case Crime No. 353 of 2021, under Section 12 of Protection of Women from Domestic Violence Act, pending in the court of Civil Judge (Junior Division)/ F.T.C. Bhadohi between the same parties.

Learned counsel for the applicant has relied upon the judgment of **Anjali Ashok Sadhwani Vs. Ashok Kishinchand Sadhwani, AIR 2009 SC 1374** and **Fatema Vs. Jafri Syed Husain @ Syed Parvej Jafferri, AIR 2009 SC 1773**.

In view of the above, the present transfer application is allowed,

and the Case No. 387 of 2021 (State vs. Prashant Kumar Singh & others) arising out of Case Crime No. 359 of 2020, under Sections 498-A, 323, 504, 506 I.P.C. and Section 3/4 Dowry Prohibition Act, pending the court of Additional Chief Judicial Magistrate, Court No.9, Allahabad is transferred to the competent court of District Bhadohi.

Let a certified copy of this order be immediately sent to the Sessions Judge, Allahabad and Bhadohi for compliance.

Order Date :- 23.11.2023

Ishan