

Court No. - 83

Case :- TRANSFER APPLICATION (CRIMINAL) No. - 100 of 2023

Applicant :- Patali And 2 Others

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

Counsel for Applicant :- Maohammd Nadeem, Vinay Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Pachori, J.

Supplementary affidavit filed today by learned counsel for the applicants, which is taken on record.

Sri Vinay Kumar, learned counsel for the applicants and Sri Ramesh Kumar Singh, learned A.G.A. for the State are present.

The present transfer application has been filed to transfer the Complaint Case No. 860 of 2019, (Ramashankar Gupta Vs. Patali and others), under Sections 504, 323, 506, 427, 392 of I.P.C., pending in the Court of Additional Chief Judicial Magistrate-IV, Varanasi to any other adjoining district.

Learned counsel for the applicant submits that the applicant is accused in the above noted case and the opposite party no. 2 is a practicing Advocate, in District Court, Varanasi. It is further submitted that on 28.10.2022, the date was fixed in the matter and the applicants went to District Judgeship for surrender but they have seen the opposite party no. 2 in the chamber of Presiding Officer, applicants immediately returned back and very surprisingly, thereafter, the court below issued non-bailable warrants against the applicant. It is further submitted that applicants have no faith upon the Presiding Officer.

In view of the above facts and circumstances of the case, the present transfer application has no merit and deserves to be dismissed.

The present transfer application is **dismissed** accordingly.

Order Date :- 29.11.2023

Ishan