

Court No. - 83

Case :- TRANSFER APPLICATION (CRIMINAL) No. - 151 of 2022

Applicant :- Deep Narayan Yadav

Opposite Party :- State Of U.P.And Another

Counsel for Applicant :- Ravi Prakash Pandey,Sr. Advocate

Counsel for Opposite Party :- G.A.,Hemendra Pratap Singh,Pankaj Kumar Yadav

Hon'ble Sanjay Kumar Pachori,J.

Sri I. K. Chaturvedi, learned Senior Advocate assisted by Sri Ravi Prakash Pandey, learned counsel for the applicant, Pankaj Kumar Yadav, learned counsel for opposite party no.2 and Sri Tej Bhan Singh, learned A.G.A. for the State are present.

The present transfer application has been filed to transfer the Special Case No. (State vs. Manoj) arising out of Case Crime No. 301 of 2018, under Section 506, 120-B, 201 IPC and Section 3(2) (v) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as SC/ST Act), pending in the court of Special Judge, S.C./S.T. Act, Gorakhpur to any other competent of adjoining District Judgeship.

Learned Senior Counsel appearing for the applicant submits that the applicant is an accused in the above noted case. It is further submitted that the trial court has dismissed the discharge application on 27.07.2019 without applying the judicial mind. It is further submitted that on 14.11.2019 a Co-ordinate Bench of this Court in Criminal Appeal No. 5562 of 2019, which has been filed against the order dated 27.07.2019, passed an order that "no coercive action shall be taken against the appellant."

In spite of that the trial court directed to the applicant to appear on 25.11.2021 vide order dated 30.10.2021. On 25.11.2021, the trial court further directed the applicant to appear on 13.12.2021 without considering the order passed by a Co-ordinate Bench of this Court in Criminal Appeal.

It is further submitted that the applicant filed a Contempt Petition No. 6118 of 2021 after feeling aggrieved by the order dated 25.11.2021. The order passed by the trial court on 11.03.2022 is

not a fair and impartial order and the applicant has no hope of fair and impartial trial.

In view of above, this transfer application has no merit and deserves to be dismissed.

Accordingly, this transfer application is dismissed.

Interim order, if any, stands vacated.

Order Date :- 4.12.2023

MAA/-