

Court No. - 83

Case :- TRANSFER APPLICATION (CRIMINAL) No. - 232 of 2023

Applicant :- Ms. Mamta

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

Counsel for Applicant :- Dhanraj Singh Yadav

Counsel for Opposite Party :- G.A.,Chandra Prakash Garg

Hon'ble Sanjay Kumar Pachori,J.

Rejoinder affidavit filed today by learned counsel for the applicant is taken on record.

Shri Dhanraj Singh Yadav, learned counsel for the applicant, learned A.G.A. for the State and Shri Chandra Prakash Garg, learned counsel for the opposite party No. 2 are present.

Present Transfer Application has been filed to transfer the Special Case No. 76 of 2020 (State Vs. Faheem Ahmad) arising out of case crime No. 07 of 2020, under Sections 376, 323, 504, IPC and Section 3(2)(v), SC/ST Act, Police Station Mahila Thana Kotwali, District Azamgarh, pending in the court of Special Judge, SC/ST Act, Azamgarh to any other District Judgeship.

Learned counsel for the applicant submits that the applicant is first informant in the above noted case and the opposite party No. 2 is accused in the above noted case. It is further submitted that after releasing in the above noted case, opposite party No. 2 is regularly threatening the applicant by sending messages and obscene video on her mobile phone. In this regard, the applicant has lodged first information report on 13.3.2022 against the opposite party No. 2 and other persons as case crime No. 94 of 2022, under Sections 504, 506, IPC, Section 3(2)(va) SC/ST Act and Section 67 of Information Technology Act at Police Station Karvi, District Chitrakoot, which is Annexure No. 4 to the application. It is further submitted that opposite party No. 2 is police constable and is posted in Azamgarh where the trial is pending. The other cases between the applicant, opposite party No. 2 and his family members are pending in the District Chitrakoot.

Learned counsel for the opposite party No. 2 vehemently opposed the prayer and submits that the case has been filed as counter blast of the case registered by opposite party No. 2.

In view of the above facts and circumstances of the case, the present transfer application is liable to be allowed.

The instant transfer application is **allowed** and the Special Case No. 76 of 2020 (State Vs. Faheem Ahmad) arising out of case crime No. 07 of 2020, under Sections 376, 323, 504, IPC and Section 3(2)(v), SC/ST Act, Police Station Mahila Thana Kotwali, District Azamgarh, pending in the court of Special Judge, SC/ST Act, Azamgarh is transferred to the District Judgeship, Chitrakoot.

Let a certified copy of this order be sent to the competent court of Sessions Judge, Azamgarh and Chitrakoot for necessary compliance and action.

Order Date :- 22.11.2023

T. Sinha