

Court No. - 83

Case :- TRANSFER APPLICATION (CRIMINAL) No. - 318 of 2023

Applicant :- Lal Singh

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

Counsel for Applicant :- Gaurav Sharma

Counsel for Opposite Party :- G.A.,Sanjay Kumar Tiwari

Hon'ble Sanjay Kumar Pachori,J.

Sri Gaurav Sharma, learned counsel for the applicant and Sri Sanjay Kumar Tiwari, learned counsel for the opposite party nos.2 and 3 and Sri R.K.Singh, learned A.G.A. for the State are present.

The present transfer application has been filed to transfer the Criminal Case No. 294 of 2003 (State vs. Ram Singh and others) arising out of Case Crime No. 442 of 2001, under Section 147, 323, 324, 325 and 336 IPC, pending in the court of Additional Chief Judicial Magistrate, Sadabad, District Hathras to the court of learned Additional Session Judge/Special Court S.C./S.T. Act, Hathras.

Learned counsel for the applicant submits that applicant is first informant in the above noted case. It is further submitted that the above noted case is admittedly a cross-case of Special Case No. 417 of 2009 arising out of Case Crime No. 442A of 2021, under Section 147, 148, 323, 504, 506 IPC and under Section 3(1) (X)SC/ST Act, which is pending in the court of Special Judge SC/ST Act, Hathras. It is further submitted that it is settled position of law that cross-case of any incident must be tried together.

Learned counsel for the opposite party no.2 has not denied the fact that Criminal Case No. 294 of 2003 is a cross case of the Special Case No. 417 of 2009.

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

Accordingly, this transfer application is allowed.

The Criminal Case No. 294 of 2003 (State vs. Ram Singh and others) arising out of Case Crime No. 442 of 2001, under Section

147, 323, 324, 325 and 336 IPC, pending in the court of Additional Chief Judicial Magistrate, Sadabad, District Hathras to the court of Special Court S.C./S.T Act./Additional Sessions Judge, Hathras.

Let a certified copy of this order be sent to the Sessions Judge, Hathras.

Order Date :- 30.11.2023

MAA/-