

Court No. - 83

Case :- TRANSFER APPLICATION (CRIMINAL) No. - 388 of 2023

Applicant :- Smt Nain Yadav

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Vishal Agarwal, Anshika Agarwal

Counsel for Opposite Party :- G.A., Babul Kumar Sharma

Hon'ble Sanjay Kumar Pachori, J.

Sri Devendra Singh, Advocate holding brief of Sri Vishal Agarwal, learned counsel for the applicant, Sri Babul Kumar Sharma, learned counsel for the opposite party nos.2 to 4 and Sri R.K.Singh, learned A.G.A. for the State are present.

The present transfer application has been filed to transfer the Case No. 611 of 2013 arising out of Case Crime No. 73 of 2022, under Section 498-A, 323, 504 IPC and under Section 3/4 of Dowry Prohibition Act, pending in the court of Civil Judge, Junior Division/FTC, Jhansi to any other competent court of Kanpur Nagar Judgeship.

Learned counsel for the applicant submits that the applicant is wife of opposite party no. 2. It is further submitted that two cases between the parties are pending in Kanpur Nagar Judgeship, which are a Case No. Nil of 2022, under Section 125 Cr.P.C., pending in the Family Court, Kanpur Nagar and Case No. 357 of 2022, under Section 9 of Hindu Marriage Act, pending in the court of Principal Judge, Family Court, Kanpur Nagar.

Learned counsel for the opposite party nos. 2 to 4 has pointed out that the applicant is residing in the matrimonial house and CCTV photographs have been filed.

Learned counsel for the applicant has vehemently refuted the above allegation and stated that the opposite party no.2 is not residing at Jhansi and due to this reason the applicant and opposite party no.2 are not residing together.

Learned counsel for the applicant has relied upon the judgment of the Supreme Court in **Anjali Ashok Sadhwani vs. Ashok Kishinchand Sadhwani**, AIR 2009 SC 1374 and **Fatema vs.**

Jafri Syed Husain @ Syed Parvez Jafferi, AIR 2009 SC 1773.

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

Accordingly, this transfer application is allowed.

The Case No. 611 of 2013 arising out of Case Crime No. 73 of 2022, under Section 498-A, 323, 504 IPC and under Section 3/4 of Dowry Prohibition Act, pending in the court of Civil Judge, Junior Division/FTC, Jhansi is transferred to the competent court of Kanpur Nagar Judgeship.

Let a certified copy of this order be sent to the Sessions Judge, Kanpur Nagar and Jhansi for necessary compliance.

Order Date :- 4.12.2023

MAA/-