

Court No. - 83

Case :- TRANSFER APPLICATION (CRIMINAL) No. - 390 of 2023

Applicant :- Priya Navik

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

Counsel for Applicant :- Chandra Kant Mishra

Counsel for Opposite Party :- G.A., Madhukar Maurya, Rishabh Agrawal

Hon'ble Sanjay Kumar Pachori, J.

Sri Chandra Kant Mishra, learned counsel for the applicant, Sri Madhukar Maurya, learned counsel for the opposite party no.2 and Sri Ramesh Kumar Singh, learned A.G.A. for the State are present.

The present transfer application has been filed to transfer the Criminal Case No. 2880 of 2023 (State vs. Gopal Nishad and others) arising out of Case Crime No. 115 of 2022, under Section 498-A, 323, 504, 506 IPC, pending in the court of FTC-I/Judicial Magistrate, Ghazipur to any competent court of Jaunpur Judgeship.

Learned counsel for the applicant submits that the applicant is wife of opposite party no.2. and the marriage of applicant was solemnized with the opposite party no.2 in the year 2020. It is further submitted that another case between the same parties under Section 125 Cr.P.C. is pending in the court of Principal Judge, Family Court, Jaunpur.

Learned counsel for the applicant has relied upon the judgment of **Anjali Ashok Sadhwani vs. Ashok Kishinchand Sadhwani, AIR 2009 SC 1374** and **Fatema vs. Jafri Syed Husain @ Syed Parvez Jaffer, AIR 2009 SC 1773**.

Learned counsel for the opposite party no.2 has vehemently opposed the prayer of this application.

In view of the facts and circumstances of the case, this application is allowed.

The Criminal Case No. 2880 of 2023 (State vs. Gopal Nishad and others) arising out of Case Crime No. 115 of 2022, under Section 498-A, 323, 504, 506 IPC, pending in the court of FTC-I/Judicial Magistrate, Ghazipur is transferred to the competent

court of Jaunpur Judgeship.

Let a copy of this order be sent to the Sessions Judge, Ghazipur and Jaunpur for compliance.

Order Date :- 20.11.2023

MAA/-