

Court No. - 83

Case :- TRANSFER APPLICATION (CRIMINAL) No. - 417 of 2023

Applicant :- Mohammad Rashid

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

Counsel for Applicant :- Sadrul Islam Jafri, Ambreen Masroor, Sr. Advocate

Counsel for Opposite Party :- G.A., Ankit Agarwal

Hon'ble Sanjay Kumar Pachori, J.

Counter affidavit filed today by learned counsel for the opposite party no. 2, which is taken on record.

Sri N.I. Jafri, learned Senior Counsel assisted by Sri Sadrul Islam Jafri, learned counsel for the applicant, Sri Ankit Agarwal, 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 set aside the order dated 8.5.2023 passed by Sessions Judge, Bulandshahar in Criminal Misc. Transfer Application No. 261 of 2023, by which the transfer application, which was filed to transfer the Session Trial No. 1070 of 2013, State Vs. Istkhar and others, under Sections 147, 149, 302, 307, 34, I.P.C., Police Station Kotwali Nagar, District Bulandshahr, pending in the court of Additional Sessions Judge, Court No. 3, Bulandshahar to any other competent court of same judgeship.

Learned Senior Counsel for the applicant submits that the trial court has examined two Investigating Officers without examining any fact witnesses PW-1 and PW-4 in the above noted Sessions Trial. It is further submitted that no other Investigating Officer remains to be examined.

It is further submitted that without examining the fact witnesses, no opportunity has been given to contradict the fact witnesses to the Investigating Officers and the impugned order has been passed without considering the facts and circumstances of the case.

Learned counsel for the opposite party no. 2 does not refute the alleged facts.

In view of the above, the present transfer application is **allowed**, and the Session Trial No. 1070 of 2013, State Vs. Istkhar and others, under Sections 147, 149, 302, 307, 34, I.P.C., pending in the court of Additional Sessions Judge, Court No. 3, Bulandshahar is transferred to the competent court of same District.

Let a certified copy of this order be immediately sent to the Sessions Judge, Bulandshahr for necessary compliance and action.

Order Date :- 4.12.2023

Ishan