

**Court No. - 83**

**Case :-** TRANSFER APPLICATION (CRIMINAL) No. - 472 of 2023

**Applicant :-** Sahana Begum

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

**Counsel for Applicant :-** Javed Khan, Saurabh Singh

**Counsel for Opposite Party :-** G.A., Abhishek Kumar Singh

**Hon'ble Sanjay Kumar Pachori, J.**

Sri Javed Khan, learned counsel for the applicant and Sri Abhishek Kumar Singh, learned counsel for the opposite party no.2 and Sri Ashwani Kumar Rai, learned A.G.A. for the State are present.

The present transfer application has been filed to transfer the Case No.6286 of 2021 (State vs. Tanveer Ashraf and others) arising out of Case Crime No. 264 of 2020, under Section 498-A, 323, 324 IPC and under Section 3/4 D.P. Act, pending in the court of Additional Chief Judicial Magistrate-10, Varanasi to any competent court of Allahabad Judgeship.

Learned counsel for the applicant submits that the applicant is wife of opposite party no.2 and marriage of opposite party no.2 with the applicant was solemnized on 03.12.2015. It is further submitted that two other cases, i.e., Case No.1211 of 2020, under Section 12 of Protection of Woman From Domestic Violence Act, pending in the court of A.C.J.M., Court No. 17, Allahabad and Case No. 21 of 2021, under Section 128 Cr.P.C., pending in the court of Additional Principal Judge, Family Court, Allahabad, are pending in the Allahabad Judgeship.

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 Jafferri, 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 liable to be allowed.

Accordingly, this transfer application is allowed.

The Case No.6286 of 2021 (State vs. Tanveer Ashraf and others) arising out of Case Crime No. 264 of 2020, under Section 498-A, 323, 324 IPC and under Section 3/4 D.P. Act, pending in the court of Additional Chief Judicial Magistrate-10, Varanasi is transferred to competent court of Allahabad Judgeship.

Let a certified copy of this order be sent to the Sessions Judge, Allahabad and Varanasi for necessary compliance.

**Order Date :- 1.12.2023**

MAA/-