

Court No. - 83

Case :- TRANSFER APPLICATION (CRIMINAL) No. - 460 of 2023

Applicant :- Hazira Khatoon

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

Counsel for Applicant :- Ravindra Prakash Srivastava

Counsel for Opposite Party :- G.A.,Avinash Chandra Srivastava

Hon'ble Sanjay Kumar Pachori,J.

Rejoinder affidavit filed on behalf of applicant in the Court is taken on record.

Heard Sri Ravindra Prakash Srivastava, learned counsel for the applicant; learned AGA for the State and Sri Avinash Chandra Srivastava, learned counsel for the opposite party no.2.

The present transfer application has been filed to transfer the Criminal Case No.280 of 2019, (State versus Faiyaz), arising out of Case Crime No.444 of 2013, under Sections 498-A, 323, 325 IPC & 3/4 Dowry Prohibition Act, Police Station Bhawaniganj, District Siddharth Nagar, pending in the Court of Civil Judge (JD) / Judicial Magistrate, Dumariyaganj, Siddarthnagar to any other competent Court to District Judgeship Balrampur.

Learned counsel for the applicant submits that the applicant is wife of opposite party no.2. Their marriage was solemnized before 14 years back and out of their wed-lock two children were born. The incident was taken place on 11.08.2013 and she is residing continuously in the house of her father. Applicant has already examined in the above case and other witnesses remain for examination. The resident of the applicant is 100 Kms far away from the trial Court. The opposite party no.2 and his family members threatening with dire consequences for doing pairavi of the aforesaid criminal case.

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.

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, keeping in view law laid down by the Hon'ble Supreme Court, the present transfer application is liable to be allowed. Accordingly, this transfer application is **allowed**.

The Criminal Case No.280 of 2019, (State versus Faiyaz), arising out of Case Crime No.444 of 2013, under Sections 498-A, 323, 325 IPC & 3/4 Dowry Prohibition Act, Police Station Bhawaniganj, District Siddharth Nagar, pending in the Court of Civil Judge (JD) / Judicial Magistrate, Dumariyaganj, Siddarthnagar is transferred to any competent court of Balrampur Judgeship.

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

Order Date :- 1.12.2023
I.A.Siddiqui