

Court No. - 83

Case :- TRANSFER APPLICATION (CRIMINAL) No. - 526 of 2023

Applicant :- Smt. Sarita Sharma

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Ranjeet Asthana

Counsel for Opposite Party :- G.A.,Praveen Kumar Tiwari,Sanjay Pathak

Hon'ble Sanjay Kumar Pachori,J.

Shri Ranjeet Asthana, learned counsel for the applicant and Shri Ramesh Kumar Singh, learned A.G.A for the State are present, however, even in the revised call none has appeared for the opposite party nos. 2 and 3.

The present transfer application has been filed to transfer the Session Trial No. 554 of 2018 arising out of Case Crime No. 714 of 2014 under Sections 452, 376/511, 354 of I.P.C pending in the court of Special Judge POCSO Act, Ist Mathura to any other competent court of district judgeship Agra.

Learned counsel for the applicant submits that opposite party no. 2 is a practising lawyer in district Mathura and on 24.02.2023 the trial court recorded the untoward and indignified behaviour of opposite party no. 2 as well his counsel Shri Arvind Singh and observed that the defence counsel has not examined the witness and wants to lingering the cross examination and opportunity to cross examine PW. 1 has been closed. It is further submitted that after providing the opportunity to opposite party nos. 2 and 3 no counter affidavit has been filed.

In view of the above facts and circumstances, the present transfer application is liable to be allowed.

The present transfer application is allowed.

Let the Session Trial No. 554 of 2018 arising out of Case Crime No. 714 of 2014 under Sections 452, 376/511, 354 of I.P.C pending in the court of Special Judge POCSO Act, Ist Mathura, be transferred to competent court of district judgeship Agra.

Office is directed to send certified copy of this order to Sessions Judge, Mathura, and Agra, for necessary compliance.

Order Date :- 31.10.2023

Saurabh