

Court No. - 83

Case :- TRANSFER APPLICATION (CRIMINAL) No. - 536 of 2023

Applicant :- Sant Kumar Katiyar

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

Counsel for Applicant :- Mithilesh Kumar Tiwari

Counsel for Opposite Party :- G.A., Damodar Singh, Devendra Vikram Singh

Hon'ble Sanjay Kumar Pachori, J.

Rejoinder affidavit filed today by learned counsel for the applicant is taken on record.

Shri Mithilesh Kumar Tiwari, learned counsel for the applicant, Shri Tej Bhan Singh, learned A.G.A. for the State and Shri Devendra Vikram Singh, learned counsel for the opposite party No. 2 are present.

Present Transfer Application has been filed to set aside the order dated 12.7.2023 passed by Sessions Judge, Ramabai Nagar (Kanpur Dehat) passed in Criminal Misc. Case No. 215 of 2023, which has been filed by the applicant to transfer the Complaint Case No. 614 of 2017, 615 of 2017, 616 of 2017, 618 of 2017, 619 of 2017 and 620 of 2017, under Section 138, Negotiable Instruments Act, Police Station Akbarpur, District Kanpur Dehat, pending in the court of Additional Chief Judicial Magistrate, Court No. 1, Kanpur Dehat to Special Judge, Dacoity Affected Area, Kanpur Dehat, which has been rejected.

Learned counsel for the applicant submits that one Session Trial between the parties as S.S.T. No. 62 of 2008, under Sections 392, 504, 506, IPC is pending in the court of Special Judge, Dacoity Affected Area, Kanpur Dehat in which the applicant is first informant. The information was lodged by the applicant against the opposite party No. 2 for looting the cheque book. The cases are inter related. The impugned order has been passed without considering the facts.

It is further submitted that as per provisions of Section 408, Cr.P.C., the cases are pending before the magistrate, which are related to Section 138, Negotiable Instruments Act and the transfer

application was filed directly before the Sessions Judge. As per Negotiable Instruments Act, nature of cases are different and there is no inter relation and inter link in the evidence of cases.

In view of the above facts and circumstances, the Transfer Application has no merit and deserves to be dismissed.

The instant application is dismissed accordingly.

Order Date :- 20.11.2023

T. Sinha