

Court No. - 83

Case :- TRANSFER APPLICATION (CRIMINAL) No. - 503 of 2023

Applicant :- Uday Bahadur Yadav

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

Counsel for Applicant :- Devottam Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Pachori,J.

Sri Jai Raj, Advocate holding brief of Sri Devottam Pandey, learned counsel for the applicant and Sri R.K. Singh, learned AGA for the State are present.

The present transfer application has been filed with the prayer to transfer Criminal Case No. 10452 of 2022 (State vs. Monu Kumar Singh and others) arising out of Case Crime No. 59 of 2021 under sections 419, 420, 467, 468, 471 IPC, Police Station Kapilwastu pending in the Court of Chief Judicial Magistrate, Siddharth Nagar to the court of Chief Judicial Magistrate, Ballia.

Learned counsel appearing on behalf of the applicant submits that counsel for the applicant Sri Devottam Pandey is not available to assist the Court due to some personal reason.

It is further submitted that applicant who is Assistant Teacher in a primary school, is accused in the abovenoted case and he is residing 400 km away from the Court concerned.

From perusal of the record, it transpires that 09.08.2023, 28.08.20.23 and 06.10.2023 had been fixed for hearing in the present case on the request of learned counsel for the applicant.

After perusal of the affidavit of the transfer application, the applicant has stated that a false case against the applicant has been filed in the Court of District Siddharth Nagar whereas applicant is a resident of District Ballia which is more than 400 kms away from his residence.

In view of the above facts and circumstances, the transfer application deserves no merit and is liable to be dismissed.

The present transfer application is dismissed.

Order Date :- 31.10.2023/Madhurima