

Court No. - 83

Case :- TRANSFER APPLICATION (CRIMINAL) No. - 515 of 2023

Applicant :- Siddhartha Mishra

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

Counsel for Applicant :- Ram Awadh Mishra, Sudhir Mehrotra

Counsel for Opposite Party :- G.A., Anurag Dubey

Hon'ble Sanjay Kumar Pachori, J.

Shri Sudhir Mehrotra, learned counsel for the applicant, Shri Anurag Dubey, learned counsel for the opposite party no. 3 and learned A.G.A for the State are present.

The present transfer application has been filed to transfer the Criminal Case No. 609 of 2018 arising out of Case Crime No. 1383 of 2017 under Sections 498-A, 323, 504, 506 of I.P.C and under Section 3/4 of Dowry Prohibition Act pending in the court of Civil Judge (Junior Division)/Judicial Magistrate, F.T.C-2, Kannauj, to any other competent court of district judgeship Kanpur Nagar.

Learned counsel for the applicant submits that the applicant is husband of opposite party no. 3 in the above noted case. It is further submitted that the applicant has filed two transfer applications before this Court as Transfer Application Nos. 19 of 2018 and 20 of 2018 and a co-ordinate bench of this Court vide order dated 19.11.2019 transferred the said two cases which were related to the same parties.

It is further submitted that opposite party no. 3 preferred an SLP against the order dated 19.11.2019 passed by a co-ordinate bench of this Court, which was dismissed on 27.01.2020.

Learned counsel for opposite party no. 3 vehemently opposed the prayer to transfer the above noted case and submits that in the earlier transferred cases the applicant procrastinated the hearing of the cases.

In view of the above facts and circumstances, the present transfer

application is liable to be allowed.

Accordingly, the Criminal Case No. 609 of 2018 arising out of Case Crime No. 1383 of 2017 under Sections 498-A, 323, 504, 506 of I.P.C and under Section 3/4 of Dowry Prohibition Act pending in the court of Civil Judge (Junior Division)/Judicial Magistrate, F.T.C-2, Kannauj, is hereby transferred to district judgeship Kanpur Nagar.

Office is directed to send a certified copy of this order to Sessions Judge, Kannauj as well as Kanpur Nagar for necessary compliance.

Order Date :- 30.10.2023

Saurabh