

Court No. - 83

Case :- TRANSFER APPLICATION (CRIMINAL) No. - 513 of 2023

Applicant :- Smt. Rabiya

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Firoz Haider

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Pachori,J.

Mrs. Sufia Saba, Advocate holding brief of Sri Firoz Haider, learned counsel for the applicant and Sri Karunakar Singh, learned A.G.A. for the State are present.

The present transfer application has been filed to set-aside the order dated 20.07.2023 passed by Sessions Judge, Muzaffar Nagar by which the Transfer Application No. 283 of 2023 has been rejected, which was filed by the applicant to transfer the Session Trial No. 1444 of 2009 (State Vs. Gullu @ Gulfam & Others) arising out of Case Crime No. 89 of 2007, under Sections 323, 376(2) of I.P.C.

Learned counsel for the applicant submits that the applicant is first informant/ victim in the above noted case. It is admitted that the case is listed for arguments after completing the evidence of both the sides. The Sessions Judge observed in the order dated 20.07.2023 that the Presiding Officer of the trial court is a hard-working Judicial Officer, having an honest reputation, and the transfer application has been filed to delay the disposal of the case.

Learned counsel for the applicant further submits that the transfer application has been rejected by the Sessions Judge without considering the facts and circumstances of the case.

The present case is pending for trial. The case under transfer is related to the year of 2007 in the oldest category.

In view of the above facts and circumstances of the case, the present transfer application has no merit and deserves to be dismissed.

The present transfer application is **dismissed** accordingly.

Order Date :- 12.12.2023

Ishan