

Court No. - 77

Case :- TRANSFER APPLICATION (CRIMINAL) No. - 560 of 2023

Applicant :- Pawan Kumar Paharia

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

Counsel for Applicant :- Abhitab Kumar Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Renu Agarwal,J.

1. Sri Abhitab Kumar Tiwari, learned counsel for the applicant and learned AGA for the State are present.
2. Present transfer applicant(Criminal) under section 407 Cr.P.C. has been moved on behalf of the applicant with prayer to transfer the Criminal Case No.807 of 2022 (State Vs. Anil Kumar Nevatia), under sections 420, 467, 468, 471, 506, IPC, Police Station Vijay Nagar, District Ghaziabad, arising out of Case Crime No.2073 of 2018, pending in the court of Additional Chief Judicial Magistrate, Court No.3, Ghaziabad to any competent court of nearby district of Ghaziabad or any other competent court in district Ghaziabad.
3. Learned counsel for the applicant submits that concerned presiding officer i.e. Additional Chief Judicial Magistrate, Court No.3, Ghaziabad is itself transfer from district/court concerned, hence no cause of action survives and present transfer application is having become infructuous and prays that same may be dismissed as infructuous.
4. In the aforesaid circumstances, present transfer application is dismissed as infructuous.

(Renu Agarwal,J.)

Order Date :- 7.12.2023

VKG

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Order on Amendment Application No.2 of 2023

1. Sri Abhitab Kumar Tiwari, learned counsel for the applicant and learned AGA for the State are present.
2. Present amendment application has been moved on behalf of the applicant with prayer to permit him to make necessary amendment in the prayer clause of transfer application by addition the prayer as made in the present amendment application.
3. Learned counsel for the applicant submits that concerned presiding officer i.e. Additional Chief Judicial Magistrate, Court No.3, Ghaziabad is itself transfer from district/court concerned, hence no cause of action is survives. The transfer application is dismissed as infructuous today itself and prays that present amendment application may also be dismissed as infructuous.
4. In the aforesaid circumstances, present amendment application is dismissed as infructuous.

(Renu Agarwal,J.)

Order Date :- 7.12.2023

VKG