

Court No. - 83

Case :- TRANSFER APPLICATION (CRIMINAL) No. - 617 of 2023

Applicant :- Amitesh Pateriya

Opposite Party :- State Of Uttar Pradesh And 2 Others

Counsel for Applicant :- Prakhar Tandon

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Pachori,J.

Shri Prakhar Tandon, learned counsel for the applicant and Shri Ramesh Kumar Singh, learned A.G.A for the State are present.

Despite the service of notice upon opposite party nos. 2 and 3, none has appeared.

The present transfer application has been filed to transfer the Execution Case No. 06 of 2022 (Km. Vedika and another Vs. Amitesh Pateriya) under Section 125(3) Cr.P.C. pending in the court of Principal Judge, Family Court, Lalitpur, to Principal Judge, Family Court, Jhansi.

Learned counsel for the applicant submits that the applicant is father of opposite party nos. 2 and 3. It is further submitted that a relative of opposite party nos. 2 and 3 is a practicing Advocate in district court Lalitpur and under influence of the said advocate, the application under Section 125 of Cr.P.C. is allowed vide order dated 27.05.2020 though the court was closed due to lock-down of Covid-19 and without giving any opportunity to the applicant after closing of the courts. It is further submitted that applicant is resident of district Indore, Madhya Pradesh, and the applicant is accused in alleged murder case of his wife. It is further submitted that three other cases between the parties are pending in district court, Lalitpur, which are stayed and kept in abeyance by a co-ordinate bench of this Court in Transfer Application (Civil) No. 236 of 2023 vide order dated 08.05.2023.

In view of the above facts and circumstances, the present transfer application is liable to be allowed.

Accordingly, the Execution Case No. 06 of 2022 (Km. Vedika and another Vs. Amitesh Pateriya) under Section 125(3) Cr.P.C.

pending in the court of Principal Judge, Family Court, Lalitpur, is hereby transferred to Principal Judge, Family Court, Jhansi.

Office is directed to send a certified copy of this order to Principal Judge, Family Court, Lalitpur, as well as Principal Judge, Family Court, Jhansi, for necessary compliance.

Order Date :- 30.11.2023

Saurabh