

Court No. - 83

Case :- TRANSFER APPLICATION (CRIMINAL) No. - 675 of 2023

Applicant :- Vipin

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

Counsel for Applicant :- Nafees Ahmad, Jai Prakash

Counsel for Opposite Party :- G.A., Adesh Kumar, Subhash Chandra Yadav

Hon'ble Sanjay Kumar Pachori, J.

Rejoinder affidavit filed today by learned counsel for the applicant, which is taken on record.

Sri Nafees Ahmad, learned counsel for the applicant, Sri Adesh Kumar, learned counsel for the opposite party no. 2 and Sri Amit Swaroop Tiwary, brief holder for the State are present.

The present transfer application has been filed to set-aside the order dated 09.10.2023 passed by Sessions Judge by which the Transfer Application No. 1335 of 2023 which has been filed by the applicant to transfer the Session Trial No. 810 of 2018 (State Vs. Vipin and others) under Sections 147, 148, 149, 302 and 506 of I.P.C. as well as Session Trial No. 813 of 2018 (State Vs. Vipin) under Section 3/25 of Arms Act, pending the Court of Additional Sessions Judge, Court No. 5, Meerut to any court of same District.

Learned counsel for the applicant submits that the applicant is accused in the above noted case and the case is listed for final argument. It is further fairly admitted that the words spoken by the trial court has not been mentioned in the affidavit as well as application filed before the Sessions Judge.

Learned counsel for the opposite party no. 2 vehemently opposed the prayer and submitted that the order dated 09.10.2023 wherein the learned Sessions Judge observing that accused engaged another counsel, who has moved successive adjournments applications on behalf of the applicant and the Sessions Judge found that the grounds are bogus and frivolous and without any basis.

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 :- 1.12.2023

Ishan