Court No. - 83

Case :- TRANSFER APPLICATION (CRIMINAL) No. - 633 of 2022

Applicant :- Amit Kumar Singh
Opposite Party :- State of U.P. and Another
Counsel for Applicant :- Rajeev Kumar Singh Parmar,Naveen Singh
Counsel for Opposite Party :- G.A.,Anand Kumar Singh

Hon'ble Sanjay Kumar Pachori,J.

Sri Naveen Singh, learned counsel for the applicant and Sri Anand Kumar Singh, learned counsel for the opposite party no. 2 and Sri Ashwani Kumar Rai, learned A.G.A. for the State are present.

The present transfer application has been filed to transfer the Case No. 39114 of 2021 (Smt. Rohini Singh Vs. Amit Kumar Singh), under Section 494, 504, 506, 120-B, 420 of I.P.C., pending in the Court of Civil Judge (Junior Division)/ J.M. Court No. 9, Varanasi to any court of District Judgeship Azamgarh.

Learned counsel for the applicant submits that the applicant is husband of the opposite party no. 2. It is further submitted that opposite party no. 2 is a practicing Advocate in District Judgeship Varanasi and four other cases are pending between the same parties in the District Judgeship Varanasi.

It is further submitted that on 31.08.2022, the applicant received several injuries and his medical examination was conducted on 01.09.2022. It is further submitted that opposite no. 2 is originally resident of village and post Maduapar, district Azamgarh.

Learned counsel for the opposite party no. 2 vehemently opposed the prayer and submitted that the opposite party no. 2 lives in Varanasi city with her father and he has also pointed out that there is no assertion in the initial affidavit with regard to the fact that the opposite party is a practicing lawyer. In support of his submission, he relied upon the judgment of Apex Court in **Anjali Ashok Sadhwani Vs. Ashok Kishinchand Sadhwani, AIR 2009 SC 1374** and **Fatema Vs. Jafri Syed Husain @ Syed Parvej Jafferi, AIR 2009 SC 1773.**

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 :- 30.10.2023
Ishan

Digitally signed by :-
ISHAN JAISWAL
High Court of Judicature at Allahabad