

**Court No. - 83**

**Case :-** TRANSFER APPLICATION (CRIMINAL) No. - 667 of 2022

**Applicant :-** Hari Shankar Singh And 2 Others

**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. 3022 of 2018 (State Vs. Hari Shankar and others) arising out of Case Crime No. 785 of 2017, under Section 323, 504, 506, 498-A, 313 of I.P.C. and Section 3/4 of D.P. Act, pending in the Court of Additional Chief Judicial Magistrate, Varanasi to any court of District Judgeship Azamgarh.

Learned counsel for the applicant submits that the applicant no. 3 is the 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 Jafferri, 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