

Court No. - 83

Case :- TRANSFER APPLICATION (CRIMINAL) No. - 722 of 2023

Applicant :- Subodh Chandra Awasthi

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

Counsel for Applicant :- Jitendra Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Pachori,J.

Sri Jitendra Kumar Mishra, learned counsel for the applicant and Sri Amit Swaroop Tiwari, brief holder for the State are present.

The present transfer application has been filed to transfer the Session Trial No. 527 of 2007 arising out of Case Crime No. 180 of 1998 (State Vs. Radhey Shyam and others), under Sections 302/328 of I.P.C., pending in the Court of Additional Sessions Judge, Ist, Farrukhabad to any court of same district/ adjoining district.

Learned counsel for the applicant submits that the impugned order has been passed without considering the facts of the case. It is further the applicant is accused in the above noted case. It is next submitted that applicant is retired Army person and aged about 75 years old and he is suffering from old aged diseased.

It is fairly admits that the Additional District Government Advocate namely Sri Tej Singh Rajpoot, is not working in the trial court and there is no contrary averment in the affidavit in this regard.

In view of the above facts and circumstances of the case, the case is listed in the old category cases and without going through the merit of the case, the present transfer application deserves to be dismissed.

The present transfer application is **dismissed** accordingly.

Order Date :- 1.12.2023

Ishan