

Court No. - 83

Case :- TRANSFER APPLICATION (CRIMINAL) No. - 741 of 2023

Applicant :- Ajay Kumar

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

Counsel for Applicant :- Sunil Kumar Dwivedi, Rajeev Kumar Singh Parmar

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Pachori, J.

Shri Rajeev Kumar Singh Parmar, learned counsel for the applicant and Shri Karunakar Singh, learned A.G.A for the State are present.

The transfer application has been filed to set aside the order dated 26.10.2023 passed by Sessions Judge, Bulandshahar, in Transfer Application No. 761 of 2023 which has been filed to transfer the Special Case No. 1115 of 2017 (State Vs. Ajay Kumar) arising out of Case Crime No 149 of 2014 under Sections 376 of I.P.C 4 of POCSO Act, pending in the court of Additional Sessions Judge (POCSO Act), Court No. 2, Bulandshahar, by which the transfer application has been rejected.

Learned counsel for the applicant submits that the trial court rejected the Application No. 34B which has been filed to summon the educational certificate of the victim. It is further submitted that against the order dated 26.10.2023 the applicant has filed an application under Section 482 of Cr.P.C. before this Court, which is still pending.

Learned counsel for the applicant fairly admits that date of birth of the victim has not been disclosed by the applicant before the trial court by which it is shown that the victim was major at the time of incident.

In view of the above facts and circumstances, there is no illegality in the order dated 26.10.2023, the present transfer application has no merit and it deserves to be dismissed.

Accordingly, the present transfer application is dismissed.

Order Date :- 22.11.2023

Saurabh