

e-court

Court No. - 83

Case :- TRANSFER APPLICATION (CRIMINAL) No. - 712 of 2022

Applicant :- Smt. Namrata Singh

Opposite Party :- State Of U.P. Through Secretary Home And 4 Others

Counsel for Applicant :- Ashutosh Kumar Tiwari

Counsel for Opposite Party :- G.A.,Om Singh Rathaur

Hon'ble Sanjay Kumar Pachori,J.

Sri Anil Kumar Tiwari, learned counsel for the applicant, Sri Om Singh Rathaur, learned counsel for the opposite party no.2 and Sri Karunakar Singh, learned A.G.A. for the State are present.

The present transfer application has been filed to transfer the Complaint Case No. 639 of 2022 (Namrata Singh vs. Manish Singh), under Sections 498A, 323, 504, 506 IPC and 3/4 Dowry Prohibition Act, 1961 pending in the court of Civil Judge (Junior Division)/FTC II, Ballia to any competent court of Varanasi Judgeship as well as Complaint Case No.886 of 2022 (Namrata Singh vs. Manish Singh), under Section 12 of the Protection of Women From Domestic Violence Act, 2005, pending in the court of Civil Judge, (Junior Division)/FTC-II, Ballia to Varanasi Judgeship and Case No. 146 of 2022 (Namrata Singh vs. Manish Kumar Singh), under section 125 Cr.P.C., pending in the court of Family Court, Ballia to any competent court of Varanasi Judgeship.

Learned counsel for the applicant submits that he does not want to press the transfer application for Case No. 146 of 2022, under Section 125 Cr.P.C.

In view of the above, the prayer for Case No.146 of 2022 is not pressed and this transfer application is dismissed for this relief.

Learned counsel for the applicant submits that the applicant is wife of opposite party no.2

The applicant is residing in Varanasi. Father of the applicant is

suffering from by-pass surgery and no other family member is present to look after her father.

Learned counsel for the applicant has relied upon the judgment of Anjali Ashok Sadhwani vs. Ashok Kishinchand Sadhwani, AIR 2009 SC 1374 and Fatema vs. Jafri Syed Husain @ Syed Parvez Jaffer, AIR 2009 SC 1773.

Learned counsel for the opposite has vehemently opposed the prayer of this transfer application.

In view of the above facts and circumstances of the case, this transfer application is liable to be allowed.

Accordingly, this transfer application is allowed.

The Complaint Case No. 639 of 2022 (Namrata Singh vs. Manish Singh), under Sections 498A, 323, 504, 506 IPC and 3/4 Dowry Prohibition Act, 1961 pending in the court of Civil Judge (Junior Division)/FTC II, Ballia as well as Complaint Case No.886 of 2022 (Namrata Singh vs. Manish Singh), under Section 12 of the Protection of Women From Domestic Violence Act, 2005, pending in the court of Civil Judge, (Junior Division)/FTC-II, Ballia are transferred to Varanasi Judgeship.

Let a copy of this order be sent to the Sessions Judge, Varanasi and Ballia for its compliance.

Order Date :- 1.11.2023

MAA/-