

Court No. - 13

Case :- APPLICATION U/S 482 No. - 11428 of 2024

Applicant :- Abhishek Dixit

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Home Lko. And Another

Counsel for Applicant :- Poorendu Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Heard.

2. The instant application has been filed for quashing the order of transfer application of Misc. Case No. 1164 of 2024 passed on 30.09.2024 by learned Additional District Judge-3, Lucknow arising out of Case Crime No. 185 of 2021 u/s 147, 308, 323, 504, 506 I.P.C., Police Station- Jankipuram, District- Lucknow.

3. Learned counsel for the applicant submits that two different cases were lodged by the parties against each other. One case is pending in the Court of learned Additional Sessions Judge, Court No.3 registered as S.T. No. 1886 of 2023 (*State vs. Saurabh Rawat alias Aayush and others*) arising out of Case Crime No. 185 of 2021 u/s 506, 504, 427, 323, 147 I.P.C. and another case i.e. S.T. No. 2009 of 2021 (*State vs. Abhishek Dixit*) arising out of Case Crime No. 186 of 2021 u/s 147, 323, 504 I.P.C. and 3(1)(dha) of SC/ST Act, Police Station- Jankipuram, Lucknow is pending in the Court of Special Judge, SC/ST Act, Lucknow. He further submits that only with the intention to delay the proceedings, the transfer application was filed before learned Sessions Judge, in which, objection was filed, and the said application was rejected by transferring the aforesaid case to the Court of Special Judge treating the case as a cross case, hence, indulgence of this Court is required.

4. Learned A.G.A. vehemently opposes the prayer of applicant and submits that S.T. No. 1886 of 2023 has arisen from Case Crime No. 185 of 2021 u/s 506, 504, 427, 323, 147 I.P.C. and after investigation, Section 308 I.P.C. was also added in it. He further submits that the F.I.R. i.e. Case Crime No. 186 of 2021 u/s 147, 323, 504 I.P.C. and 3(1)(dha) of SC/ST Act was also lodged. He also submits that as both the cases are related to one incident, there is no illegality in the order passed by learned trial Court.

5. Considering the submissions of learned counsel for the applicant, learned A.G.A. and going through the contents of the application as well as other relevant documents, it is evident that both the aforesaid cases are lodged as cross cases. It is well settled by Hon'ble Apex Court that cross cases should be tried together. In such circumstances, there is no illegality in the order passed by learned trial Court.

6. In view of above, this application is misconceived and the same stands ***dismissed***.

7. The trial Court is directed to conclude the trial of S.T. Nos. 1886 of 2023 and 2009 of 2021, expeditiously.

Order Date :- 18.12.2024

Arpan