

Court No. - 13

Case :- TRANSFER APPLICATION (CRIMINAL) No. - 126 of 2024

Applicant :- Smt. Uma Agarwal

Opposite Party :- State Of U.P. Thru. The Prin. Secy. Home Lko. And 2 Others

Counsel for Applicant :- Vijay Kumar Jaiswal

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Heard.

2. The instant application has been filed by the applicant with following prayer:-

"To transfer the complaint case No. 20526/2023 (Adarsh Patel versus Uma Agarwal) U/S 138 of N.I. Act from the court of Judicial Magistrate -II Raibareli to another District like Unnao,/ Lucknow or Kanpur so that the petitioner could get effective pairvi of the said case.

It is further prayed that this Hon'ble court may kindly be pleased to stay the entire proceedings of complaint case No. 20526/2023(Adarsh Patel versus Uma Agarwal) U/S 138 of N.I. Act. pending in the court of Judicial Magistrate Raibareli, till disposal of the transfer application from Raibareli to another District like Unnao, Lucknow, and Kanpur."

3. Learned counsel for the applicant submits that the applicant is a lady Sub Inspector and she is presently posted in Unnao. As she is facing inconvenience for joining the proceedings of the trial of the case in question because several persons associated with private respondent are creating hindrance for her, therefore, the case in question may be transferred to District-Lucknow.

4. Learned A.G.A. vehemently opposes the prayer of applicant. He further submits that the ground has been mentioned wrongly for transfer of the case in question, as merely on the ground that the applicant is a Sub Inspector, who is posted in Unnao and the associates of the private respondent are creating hindrance for her, the case should not be transferred. Relying on the decision of Hon'ble Apex Court passed in the case of ***Kasthuripandian S vs. RBL Bank Ltd.*** reported in ***2024 SCC OnLine SC 3317***, learned A.G.A. vehemently submits that in the case of N.I. Act, the case should not be transferred.

5. Considering the submissions of learned counsel for the

applicant, learned A.G.A. and going through the contents of application, judgement relied by learned A.G.A. as well as other relevant documents, it is evident that on the basis of convenience of the accused person, the trial of the case u/s 138 of N.I. Act cannot be transferred.

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

Order Date :- 20.12.2024

Arpan