



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>C407/9/2024</u> Kapil Dev Rathi --Applicant Versus State Of Uttarakhand --Respondent <u>Hon'ble Siddhartha Sah, J.</u> Mr. Pawan Mishra, learned counsel for the applicant. 2. Mr. Shailendra Singh Chauhan, learned D.A.G. assisted by Mr. V.S. Rawat, A.G.A and Mr. Vikash Uniyal, learned Brief Holder for the State. 3. By means of the present Criminal Transfer Application under Section 407 of the Code of Criminal Procedure, the applicant has sought transfer of proceedings of Sessions Trial No. 02 of 2023, State vs. Kapil Dev Rathi and others under Sections 420, 120-B of the IPC and Section 3 of the Uttarakhand Protection of Interests of Depositors (In Financial Establishments) Act, 2005, pending in the Court of Sessions Judge, Bageshwar to the Court of Ist Additional District and Sessions Judge / Special Judge, BUDS Act, Dehradun. 4. The ground on which transfer is being sought by the applicant is that, as per Section 8 of the Banning of Unregulated Deposit Schemes Act,



		2019, a designated Court has been constituted by the State of Uttarakhand for the trial of cases within the territorial jurisdiction of the State of Uttarakhand, therefore, the trial of cases registered against the applicant in other districts of the State of Uttarakhand are going on in the Court of Ist Additional District and Sessions Judge / Special Judge, BUDS Act, Dehradun. 5. Since similarly situated trials against the applicant based on FIRs with the same allegations in other districts of the State of Uttarakhand are being conducted by the Court of Ist Additional District and Sessions Judge / Special Judge, BUDS Act, Dehradun, which is designated Court under Section 8 of the Banning of Unregulated Deposit Schemes Act, 2019, therefore, the present case is also liable to be transferred to the Court of Ist Additional District and Sessions Judge / Special Judge, BUDS Act, Dehradun. 6. Per contra, Mr. Shailendra Singh Chauhan, learned Deputy Advocate General would submit that the trial is undergoing in the Court of Sessions Judge, Bageshwar and the next date fixed in the matter is 21.09.2026. Out of a total 53 witnesses, 32 witnesses have already been examined. 7. Learned State counsel has further drawn attention of the Court to the report of Thana Kapkot, annexure no. 1 to the counter affidavit, and he would submit that all the witnesses are local
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			residents of Kapkot, District Bageshwar and it would not be proper to transfer the case because in case of transfer, the complainant and other witnesses would have to travel to the place where the matter is transferred and the witnesses will face a lot of difficulty in such travel. 8. After considering the rival submissions of the learned counsel for the parties, it is clear that since the offence does not fall under the Banning of Unregulated Deposit Schemes Act, 2019, hence, there is no question of transferring the case to the Court of Ist Additional District and Sessions Judge / Special Judge, BUDS Act, Dehradun. 9. Moreover, it would entail a lot of hardship and inconvenience for the local witnesses of District Bageshwar, if the trial is transferred to Dehradun. 10. In such view of the matter, no good ground is made out for the transfer of the case from the Court of Sessions Judge, Bageshwar to the Court of Ist Additional District and Sessions Judge / Special Judge, BUDS Act, Dehradun. 11. Hence, the Transfer Application deserves to be dismissed and is dismissed accordingly. (Siddhartha Sah, J.) 21.08.2026 Shiv/
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