

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>UKHC010048662026</u> <u>C447/13/2026</u> Rukshida --Applicant Versus Intzar --Respondent <u>Hon'ble Siddhartha Sah, J.</u> Mr. Akshay Pradhan, learned counsel for the applicant. Mr. Tajhar Qayyum, learned counsel for respondent. 2. By means of the present Transfer application under Section 447 of the BNSS, 2023, the applicant seeks transfer of Complaint Case No. 1209 of 2023, Rukshida vs. Intizar and Others, pending in the court of the Ist Additional Civil Judge (J.D.) / Judicial Magistrate Roorkee, District Haridwar to a competent court of jurisdiction at Dehradun. 3. Learned counsel for the applicant would submit that the grounds on which the transfer has been sought are that the respondent has extended threat to life and safety of the applicant and her family members, resulting in a real, imminent, and

		continuous threat perception. The applicant, being a woman, already under severe mental and emotional distress, is unable to freely and fearlessly pursue the proceedings at Roorkee due to the hostile and unsafe atmosphere created by the respondent. He would further submit that on 15.10.2022 when the applicant along with her father and brother had gone to attend the court proceedings in connection with a criminal case instituted by the applicant against the respondent, the respondent, along with his brother and some unknown persons, deliberately intercepted them within the court premises and started abusing them in abusive language. In the said incident, the respondent openly threatened the applicant and her family members, and declared that if they do not withdraw all the cases, maintenance proceedings, and other complaints filed against them, they would face serious consequences and dire consequences, including threats to their life and safety. The respondent has used his resources to intimidate them with the intention of creating fear and pressure so that the applicant may be compelled to abandon the legal proceedings. The said incident created a grave atmosphere of fear and insecurity for the applicant, and clearly demonstrates the continuous attempts of
--	--	--

		the respondent to obstruct the course of justice and pressure the applicant into withdrawing the cases filed against them. In respect of the said incident, the father of the applicant has lodged an FIR No.32 of 2023 under Sections 147, 323, 504 and 506 of the IPC and the police have filed a charge sheet under Sections 323, 504 and 506 of the IPC and copy of the FIR is also placed on record. On these grounds, and on the threat perception, the transfer is being sought from Roorkee to a court of competent jurisdiction at Dehradun. 4. Per contra, learned counsel for the respondent has referred to paragraph 16 of his counter affidavit, wherein he has stated that to implicate the respondent in false case a story has been created by the applicant and her family members, because no incident has happened in the court premises, and there is no independent witness or CCTV footage or any recording produced by the applicant before the authority. Only to harass the respondent applicant made the alleged story, and applicant did not complain to the concerned court of the said incident and it is only a pressure tactic adopted by the applicant. 5. Having heard the learned counsel for the parties, and after going through the record, it is clear that the alleged incident,
--	--	---

		for which the FIR was lodged, admittedly, occurred on 15.10.2022, and the FIR has been lodged only on 12.01.2023 at Police Station Gangnagar, District Haridwar. From the record, it is not borne out that whether the said incident was ever reported to the court of Ist Additional Civil Judge / Judicial Magistrate, Roorkee, District Haridwar. 6. It further needs to be noted that earlier, when the incident occurred, the Uttarakhand Witness Protection Act, 2020 was in vogue, and the learned counsel for the applicant has placed the copy of the Uttarakhand Witness Protection Scheme, 2025 before the Court that the earlier Act has now been repealed and replaced by the Uttarakhand Witness Protection Scheme, 2025. 7. Perusal of the Uttarakhand Witness Protection Scheme, 2025 would reveal that in Para 5 thereof, there is provision for submission of application to the competent authority for seeking witness protection order. Earlier also it was open to the applicant to seek protection as a witness, and even now, under the Uttarakhand Witness Protection Scheme, 2025, it is open for the applicant to seek protection. 8. During the submissions, learned counsel for the applicant made the submission that the complainant needs to
--	--	--

		attend the court on each and every date, being the complainant. Thus, because of the threat perception, there is a great difficulty for her to attend the court on each and every date, and on these grounds, sought transfer from the court at Roorkee to a competent court of jurisdiction at Dehradun. 9. Per contra, learned counsel for the respondent has already been submitted that the aforesaid FIR has been lodged only to create a false case and as a pressure tactic. 10. Since, the Uttarakhand Witness Protection Scheme, 2025 is in vogue in the State of Uttarakhand, hence it is open to the applicant to prefer appropriate application under Para 5 thereof and seek protection. So far as the difficulty being faced by the applicant, inasmuch as the applicant has to attend court on each and every date of the case, provisions of Section 228 of the BNSS, 2023 corresponding to Section 205 of the Cr.P.C., provide for dispensing with personal attendance of the accused. If the applicant/ complainant has any difficulty to attend on each and every date, it is always open for her to seek exemption under the aforesaid provisions. 11. In the present case, during the submissions, learned counsel for the respondent also apprised the Court that the applicant has already been examined as a
--	--	--

			prosecution witness (PW-3) on 27.11.2025. 12. In such an eventuality, the alleged threat perception does not appear to subsist or remain anymore and the grounds on which the transfer is being sought and pressed do not subsist any longer. 13. In view of the facts and circumstances of the case, no ground is made out for transfer of the case from the court at Roorkee to the court of competent jurisdiction at Dehradun. Therefore, the present Transfer Application is liable to be dismissed and is dismissed accordingly. However, it is made clear that it will be open for the applicant to seek exemption under the appropriate provisions as indicated hereinabove. (Siddhartha Sah, J.) 24-07-2026 JKJ/
--	--	--	--