

**IN THE HIGH COURT OF UTTARAKHAND****AT NAINITAL****TRANSFER APPLICATION No.09 of 2025**

Shubham Kumar

--Applicant

Versus

Manoj & Others

--Respondents

Presence:-

Mr. Siddharth Singh Negi, learned counsel for the applicant.

Mr. Deep Chandra Joshi, learned counsel for the respondent nos.1 to 12.

Mr. Siddhartha Bisht, learned A.G.A. for the State/respondent no.13.

Hon'ble Siddhartha Sah, J. (oral)

By means of the present transfer application under Section 407 of the Code of Criminal Procedure, 1973/447 of Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant has sought transfer of the Criminal Complaint Case No.982 of 2024, 'Shubham Kumar vs. Manoj and others', under Sections 191(2), 191(3), 190, 109, 309(4), 333, 351(2), 351(3), 115(2), 117(2), 118(2), 324, 351 and 352 of BNS, 2023, Police Station Pathri, District Haridwar, pending in the court of learned Civil Judge, (Senior Division 1st)/Additional Chief Judicial Magistrate, Haridwar, District Haridwar to Additional Chief Judicial Magistrate, Dehradun, District Dehradun.

2. The sole ground agitated in the affidavit filed in support of the transfer application is that respondent no.2 is



a practising advocate in the court compound at Roshnabad, Haridwar, District Haridwar. In paragraph 7 of the affidavit, it is stated that, in future, respondent no. 2, being an advocate, can pressurize the Court with the support of other advocates. The applicant claims to be apprehensive on this account and, therefore, prays that, in the interest of justice, the case be transferred to District Dehradun.

3. Learned counsel for respondent nos. 1 to 12 would submit that the apprehension raised by the applicant in the transfer application is absolutely false and frivolous, inasmuch as the applicant, Shubham Kumar, has been regularly appearing before the trial court on almost every date of hearing.

4. Learned counsel for respondent nos.1 to 12 has supplied a photocopy of the certified copy of the order sheet of Complaint Case No. 982 of 2024, *Shubham v. Manoj and Others*. From the said order sheet, it is revealed that the applicant has appeared before the trial court on 28.06.2025, 25.07.2025, 25.08.2025, 22.09.2025, 31.10.2025 and 19.01.2026. Accordingly, the said photocopy is taken on record.

5. From a perusal of the order sheet, it is evident that the applicant has been regularly appearing before the Court of the 1st Additional Civil Judge (Senior Division)/Additional Chief Judicial Magistrate, Haridwar, in Complaint Case No.



982 of 2024, which is sought to be transferred by way of the present transfer application.

6. Since the applicant has been regularly appearing before the trial court, the apprehension raised in the present transfer application does not appear to be justified. Thus, in the facts and circumstances of the present case, no case for transfer of Complaint Case No. 982 of 2024, as sought by the applicant, is made out. Accordingly, the present transfer application deserves to be dismissed.

7. On this, learned counsel for the applicant would submit that, since the applicant/complainant is not able to engage a counsel, it may be left open to the applicant, Shubham Kumar, to approach the District Legal Services Authority for the appointment of a Legal Aid Counsel.

8. The present Transfer Application under Section 407 of the Code of Criminal Procedure, 1973/Section 447 of Bharatiya Nagarik Suraksha Sanhita, 2023 is, thus, dismissed with the aforesaid observation.

(Siddhartha Sah, J.)
09.07.2026

Akash