

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			C-447 No.15 of 2025 <u>Hon'ble Siddhartha Sah, J.</u> Heard Mr. Yogesh Upadhyay along with Mr. Kaushal Sah Jagati, learned counsel for the applicants, Mr. Pankaj Joshi, learned A.G.A. for the State and Mr. Prabhat Bohra, learned counsel for the respondent no.4. 2. By means of the present Criminal Transfer Application under Section 447 of BNSS, the applicants have sought transfer the Criminal Case No.254 of 2024 arising out of FIR No.23 of 2023, pending before the Judicial Magistrate/Civil Judge (JD), Pithoragarh to any other appropriate Court outside District Pithoragarh or at any other district. 3. Learned counsel for the applicants would submit that when the applicants, along with the driver, travelled to Pithoragarh on 06.05.2025 and stayed at Hotel Jyonar near the District Court, on the morning of 07.05.2025 at about 11:00 AM, the complainant, Rohan Singh/respondent no.4, accompanied by approximately 15 armed associates, including known and unknown persons, forcibly entered the hotel rooms, threatened, assaulted and abducted the applicants and others at gunpoint. The abductors threatened the applicants not to appear before the Court, demanded a huge ransom and also threatened to murder them. The applicants were physically assaulted with rods, pistol butts and fists, detained for several hours at an undisclosed location, and were rescued only after the intervention of the local police when the family of applicant no.1 alerted them through Emergency Helpline No.112. Copies of the photographs of the applicants along with the Government Hospital receipt are being annexed as Annexure No.3 to this Criminal Transfer Application.

		4. It is further submitted on behalf of the learned counsel for the applicants that the next date fixed in the trial is 16.06.2026 for recording the statements of the accused/applicants under Section 313 of Cr.P.C., and that they have a genuine threat perception and would not be in a position to travel to Pithoragarh and get their statements recorded under Section 313 of Cr.P.C. unless and until they are provided adequate security and protection. 5. <i>Per contra</i>, learned counsel for the respondent no.4 would submit that the allegations made in the present Criminal Transfer Application are absolutely false and the injuries shown in the photographs are self-inflicted, only to obtain sympathy of the Court. 6. Learned State counsel would submit that, regarding the incident referred to in the present Criminal Transfer Application, FIR No. 104 of 2025 under Sections 115(2), 140(2), 351(2) and 352 of the BNS, 2023 has already been registered at Police Station Kotwali, Pithoragarh, and the charge-sheet has also been filed. 7. In such view of the matter, since an FIR has been registered regarding the incident alleged to have taken place on 07.05.2025 and, admittedly, after due investigation, a charge-sheet has also been submitted, as stated by the learned State counsel, it is apparent that there exists an imminent threat to the applicants/accused persons. 8. On this, learned State counsel would submit that the applicants may approach the S.H.O. of Kotwali, Pithoragarh and he undertakes that the S.H.O. will provide adequate security and protection to the applicants from the time they enter the periphery of Pithoragarh city till they exit the periphery of Pithoragarh city. 9. On this, learned counsel for the applicants makes a request that the protection/security may be provided to the applicants whenever they are required to appear before the trial court.
--	--	--

		10. Lastly, it has been submitted on behalf of the learned counsel for the applicants that since the applicants were not able to appear before the trial court, the proceedings under Sections 82 and 83 of Cr.P.C. have been initiated against them. It is, therefore, prayed that, in the interest of justice, such proceedings, if any, may also be kept in abeyance during the pendency of the present case. 11. On this, learned State counsel does not have any objection. 12. Since the learned State counsel has assured that security/protection shall be provided by the S.H.O. of the concerned police station, the apprehension expressed in the present Criminal Transfer Application no longer survives. In such view of the matter, the proceedings of the Criminal Transfer Application are hereby closed. 13. In the peculiar facts and circumstances of the case, since there was a threat to the life of the applicants and they could not appear before the trial court, it would be in the interest of justice to stay further proceedings under Sections 82 and 83 of the Cr.P.C. against them. 14. Accordingly, the proceedings initiated under Sections 82 and 83 of Cr.P.C., if any, against the applicants shall remain stayed until further orders. 15. Accordingly, the present Criminal Transfer Application under Section 447 of BNSS stands disposed of. (Siddhartha Sah, J.) 12.06.2026 Akash
--	--	---