



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>C407/17/2022</u> Reshma Chaudhary --Petitioner Versus State Of Uttarakhand and another --Respondents <u>Hon'ble Siddhartha Sah, J.</u> Ms. Aishwarya Thapliyal, learned counsel with Ms. Divya, learned counsel holding brief of Mr. Abhishek Verma, learned counsel for the applicant. 2. Mr. Chitrath Kandpal, learned A.G.A. for the State. 3. By means of the present Transfer Application under Section 407 of the Code of Criminal Procedure, 1973, the applicant has sought transfer of proceedings of Sessions Trial No. 13 of 2022 (Crime No. 12 of 2022), under Sections 376, 323, 354(A), 354(B), 504, and 506 of IPC, State v. Kishan Chaudhary, pending before the Court of Sessions Judge, Pauri Garhwal to any other court having same jurisdiction in District Court Haridwar. 4. It is the case of the applicant that in pursuance to the FIR lodged by her, after investigation, the police submitted a charge-sheet against respondent no. 2 (who happens to be her



		own father) under Sections 376, 323, 354(A), 354(B), 504, and 506 IPC. 5. The matter was committed to the Sessions Court, where Sessions Trial No. 13 of 2022, State v. Kishan Chaudhary, was registered, and proceedings against respondent no. 2 initiated before the Court of Sessions Judge, Pauri Garhwal. In the aforesaid Sessions Trial, the learned Trial Court framed charges against respondent No. 2 vide order dated 7.07.2022. 6. It is the case of the applicant that she is presently residing at L-107, Harilok Colony, Phase-1, P.S. Jwalapur, District Haridwar, and is employed in a private firm. 7. The grounds on which the transfer is being sought are centered around the assertion that respondent no. 2 is trying to intimidate the applicant. It is stated that whenever the applicant comes to the Court at Pauri Garhwal, respondent no. 2 threatens her with dire consequences and is creating hindrance in the conduct of the trial of the criminal case. It is further submitted that respondent no. 2 is trying to influence the witnesses and is also trying to influence the trial of the aforesaid case. The applicant has expressed severe apprehension that if she continues to attend the Court at Pauri Garhwal from Haridwar, respondent No. 2 may cause severe harm to her. Thus, on the aforesaid grounds, the applicant seeks the transfer.
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			8. When the matter was taken up on the last occasion, i.e., on 03.07.2026, the learned Brief Holder was granted two weeks' time to seek instructions as to whether the applicant, who is the informant/victim in this case, can be provided adequate security whenever she visits the Court of learned Sessions Judge, Pauri Garhwal. 9. Today, Mr. Chitrarth Kandpal, learned Brief Holder for the State, on due instructions, presents written instructions before the Court. 10. Written instructions have been received from the In-charge Inspector, Kotwali Laxman Jhula, District Pauri Garhwal, stating that the applicant herein has not submitted any application for providing protection under the Witness Protection Scheme. It is also mentioned in the written instructions that the personnel of Kotwali Laxman Jhula tried to contact the applicant, but her mobile number was switched off and she was also not available at her given address. 11. Let a copy of the written instructions be taken on record. 12. In this regard, reference needs to be made to the Uttarakhand Witness Protection Scheme, 2025. Para 5 of the said Scheme provides for submission of an application to the Competent Authority for seeking a witness protection order. It further provides that after the application is received, protection shall be provided as per law.
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			13. Since the Uttarakhand Witness Protection Scheme is in vogue, and the learned Brief Holder for the State, under instructions, makes a statement that if an application for witness protection is made, the same shall be duly granted as per law. 14. Hence, in such view of the matter, the apprehension expressed in the transfer application does not survive. Thus, the Transfer Application deserves to be dismissed. However, liberty is granted to the applicant to seek due protection under the Uttarakhand Witness Protection Scheme, 2025 in accordance with law, if so advised. 15. Subject to the aforesaid observation, the Transfer Application is dismissed. (Siddhartha Sah, J.) 30.07.2026 Shiv/
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