



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>C407/24/2023</u> Mahavir Shah --Applicant Versus State Of Uttarakhand and Others --Respondents <u>Hon'ble Siddhartha Sah, J.</u> Mr. Devang Dobhal, learned counsel for the applicant. 2. Mr. R.K. Joshi, learned A.G.A. with Mr. Manoj Bhatt, learned Brief Holder for the State. 3. Mr. Prem Kaushal, learned counsel for the private respondents. 4. By means of the present application under Section 407 of the Cr.P.C, the applicant has sought transfer of Criminal Case No. 275 of 2022, State vs. Surya Prakash and Others, pending in the Court of Chief Judicial Magistrate, Uttarkashi, to any court of competent jurisdiction in District Dehradun or Rishikesh or any other Court, the Court deems fit and proper in the facts and circumstances of the case. 5. It is the case of the applicant that pursuant to NCR No. 13 of 2021, Criminal Case No. 275 of 2022, State of Uttarakhand vs. Surya Prakash and



			Others, is pending in the Court of Chief Judicial Magistrate, District Uttarkashi. 6. It is contended on behalf of the applicant that respondent No. 2, an Inspector in the Local Intelligence Unit (LIU) posted in the Police Department, District Chamoli, holds considerable influence within the police department. It is alleged that despite several requests, the Superintendent of Police, District Uttarkashi, did not provide CCTV footage to the applicant. The applicant states that he could not attend court due to fear of opposite party no. 2, as opposite party no. 2 and other accused persons are threatening and pressurizing the applicant and his witnesses to compromise the case. 7. It is further submitted that opposite party no. 2, along with other accused, is threatening the applicant and his witnesses to withdraw the case, regarding which complaints have also been made to the Pargana Magistrate, Dunda, District Uttarkashi. 8. It is also the case of the applicant that, being an elderly person, traveling from Dehradun to Uttarkashi to attend proceedings poses a grave threat to his life due to the influence exerted by opposite party no. 2 and others, who are coercing the applicant and his witnesses not to tender evidence against them. On these grounds, transfer of the aforesaid criminal proceedings has been sought. 9. On the other hand, learned counsel appearing
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		on behalf of the respondents submits that respondent no. 2 is not posted in Uttarkashi, but is currently posted in Pauri Garhwal. Therefore, there is no question of wielding any influence in District Uttarkashi, and the allegations levelled against respondent no. 2 are completely false and baseless. 10. A perusal of the transfer application reveals that the main ground on which transfer of the case from Uttarkashi to District Dehradun is sought is an apprehension and threat perception regarding appearing before the Court of Chief Judicial Magistrate, Uttarkashi. 11. In the State of Uttarakhand, the Uttarakhand Witness Protection Scheme, 2025 provides adequate mechanisms for granting protection to witnesses and in cases where a genuine threat perception exists, it remains open to the applicant to submit an appropriate application before the competent authority under the said scheme. 12. Learned Brief Holder appearing on behalf of the State, upon instructions, submits that in the event the applicant submits an application seeking protection under the Uttarakhand Witness Protection Scheme, 2025, the same shall be duly considered and provided in accordance with law. 13. In view of the undertaking given on behalf of the State, the apprehension expressed by means of the present Criminal Transfer Application does not subsist any longer. In case, the applicant applies for
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			witness protection under the Uttarakhand Witness Protection Scheme, 2025, the same shall be granted to him and his witnesses as per law. 14. With the aforesaid observations, the present Transfer Application is hereby dismissed. (Siddhartha Sah, J.) 30.07.2026 Shiv/
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