Court No. - 28

Case :- APPLICATION U/S 482 No. - 11268 of 2024

Applicant :- Balram Bhatt
Opposite Party :- State Of U.P. Thru. Its Prin. Secy. Deptt. Of Home Lko. And Anr.
Counsel for Applicant :- Satish Kumar Sharma
Counsel for Opposite Party :- G.A.

Hon'ble Brij Raj Singh,J.

Heard learned counsel for the applicant and learned A.G.A.

The present petition has been filed seeking following reliefs:-

(i) to Set-aside the impugned order dated 10.10.2024 passed by learned Sessions Judge, Gonda in Criminal Misc. Case No. 488/2024 U/s 409(2) Cr.P.C. (contained at Annexure No. 1 to the petition).

(ii) to Direct the learned Sessions Judge, Gonda to transfer the Sessions Trial No. 473/2020 (State of U.P. Vs. Balram Bhatt & others), arising out of Case Crime No. 0058/2020, U/s 302, 364, 201, 34 I.P.C., Police Station-Khodare, District-Gonda from the court of learned Additional Sessions Judge, Gonda to any other competent court.

Learned counsel for the applicant submits that ADGC (Criminal) Sri Vinay Kumar Singh posted in the Court of Additional Sessions Judge, Court No. 1, Gonda is creating hindrance during cross examination of the witnesses and he also wants to influence the witnesses but the Presiding Officer of the said court is not taking care of the this fact. He has further submitted that the trial court is fixing many dates in a month but the applicant is doing service in Indian Army and he is facing problem to appear before the court frequently, therefore, he has moved the present transfer application.

Learned A.G.A. opposed the aforesaid submission of the applicant and submitted that all the allegations made by the applicant is vague. Any prejudice, which is caused to him, has also not been established by the applicant with the help of any credible and cogent evidence, therefore, no interference is required in the present case.

Having heard learned counsel for the parties and perused the

record, it appears that the application has been moved with vague allegation, as there is no substantial evidence in support of the said allegation. It is also totally a bald allegation that a prejudice is caused to applicant by fixing many dates in a month. Therefore, no interference is required by this Court and the present matter can not be transferred as the trial court has passed a reasoned order , therefore, there is no reason to interfere the impugned order.

The present application is, accordingly, rejected.

[Brij Raj Singh, J.]

Order Date :- 11.12.2024
Anuj Singh

Digitally signed by :-
ANUJ PRATAP SINGH
High Court of Judicature at Allahabad,
Lucknow Bench