HIGH COURT OF JUDICATURE AT ALLAHABAD

TRANSFER APPLICATION (CRIMINAL) No. - 39 of 2026

Shikha Agnihotri

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ashamed Ali Ansari, Sharad Chand Rai
Counsel for Opposite Party(s)	:	Abhishek Tiwari, Alok Yadav, G.A., Santosh Singh

Court No. - 55

HON'BLE VIKRAM D. CHAUHAN, J.

1. The present transfer application is filed by the applicant with a prayer to transfer the Criminal Misc Complaint Case No. 4949 of 2025 (Smt Krishna Devi Tiwari Vs Shikha Agnihotri), under Section 12 of the Women from Domestic Violence Act, 2005, pending before the Court of Addl. Civil Judge, (JD)-V, District Kanpur Nagar to the nearest judgeship of competent Court.

2. Learned counsel for the applicant submits that the applicant is the wife and is seeking transfer on the ground of inconvenience. It is further submitted that the opposite party no. 2 is mother-in-law and is aged about 75 years old.

3. At this stage, learned counsel for the applicant submits that applicant may be permitted to appear through Video Conferencing.

4. This Court in Transfer Application (Criminal) No. 282 of 2021 (Smt. Sunita Devi Vs. State of U.P. and another), decided on 2nd August, 2022, has recognized the right of the litigant to participate in the judicial proceedings through video conferencing facility in pursuance to the Rules for Video Conferencing for Courts in the State of Uttar Pradesh, 2020 (for brevity hereinafter referred to as "Rules of 2020").

5. Comprehensive rules have been put in place to adopt the technology in judicial proceedings in order to enable the litigants to approach the court through digital mode. The Rules of 2020 gives choice to the litigant to approach court using digital technology. Various checks and balances have been provided under the aforesaid Rules of 2020 to protect the sanctity of the judicial process.

6. The Rules of 2020 effectively address the concern of the litigants including the distance factor, threat perception and convenience. Once the Rules of 2020 have been notified in exercise of powers under Article 225 and 227 of the Constitution of India, for providing video conferencing facility to the litigant in the Courts and such an alternative channel will be able to address the concerns of the litigant as has been

raised in the present transfer application. No ground for transfer of the case from one district to another is made out in view of the law laid down in Transfer Application (Criminal) No. 282 of 2021 (Smt. Sunita Devi Vs. State of U.P. and another), decided on 2nd August, 2022.

7. Under the circumstances, the present transfer application is **disposed of** with the liberty to the applicant to apply under Rules for Video Conferencing for Courts in the State of Uttar Pradesh, 2020 for video conference facility in judicial proceedings. It is hereby provided that in case any application is preferred by the applicant under the aforesaid Rules, the court/authority concerned shall be obliged under law to pass an appropriate order in accordance with law at the earliest. It is hereby directed that all courts and authorities shall act in aid of the Rules for Video Conferencing for Courts in the State of Uttar Pradesh, 2020.

October 23, 2026
RavindraKSingh

(Vikram D. Chauhan,J.)

Digitally signed by :-
RAVINDRA KUMAR SINGH
High Court of Judicature at Allahabad