2026:AHC:207123

HIGH COURT OF JUDICATURE AT ALLAHABAD

TRANSFER APPLICATION (CRIMINAL) No. - 597 of 2026

Smt Swati Sahu And Another

.....Applicant(s)

Versus

Jitendra Kumar

.....Opposite Party(s)

Counsel for Applicant(s) : Ankit Raj, Rinki Gupta
Counsel for Opposite Party(s) :

Court No. - 55

HON'BLE VIKRAM D. CHAUHAN, J.

1. Heard learned counsel for applicants and learned AGA for the State.

2. The present transfer application has been filed for transfer of the Case No. 226 of 2026, under Section 144 BNSS, (Smt Swati Sahu Vs Jitendra Kumar), District Kanpur Dehat pending in the court of Principle Judge, Family Court, Kanpur Dehat to Kanpur Nagar adjoining District.

3. Learned counsel for the applicants submits that the applicant no.1 is wife and seeking transfer on the ground of threatening. It is further submitted by learned counsel for applicants that the ends of justice would be served in the event applicants are permitted to appear before the court concerned 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 applicants 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 applicants 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.

(Vikram D. Chauhan,J.)

October 5, 2026
D. Tamang

Digitally signed by :-
DHIRENDRA TAMANG
High Court of Judicature at Allahabad