HIGH COURT OF JUDICATURE AT ALLAHABAD

TRANSFER APPLICATION (CRIMINAL) No. - 676 of 2026

Prakash Sharma

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Rateesh Singh, Shriprakash Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 55

HON'BLE VIKRAM D. CHAUHAN, J.

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

2. The present transfer application has been filed for transfer of the Case No.517 of 2023 (Smt. Monika Sharma @ Krishna Vs. Prakash Sharma), under Section 125 Cr.P.C., Police Station-Jewar, District-Gautam Buddha Nagar from the court of learned Principal Judge, Family Court, Gautam Buddh Nagar to the competent court of District Hathras.

3. Learned counsel for the applicant submits that the applicant is husband of opposite party and is seeking transfer on the ground of threat from his wife and her family.

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"). Subsequently, the Rules of 2020 has been repealed and new Rules have been notified by notification dated 18.4.2026, namely, "The District Courts of the State of Uttar Pradesh for the Use of Electronic Communication and Audio-Video Electronic Means Rules, 2026 (hereinafter referred to as "Rules of 2026").

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 2026 gives choice to the litigant to approach court using digital technology. Various checks and balances have been provided under the aforesaid Rules of 2026 to protect the sanctity of the judicial process.

6. The Rules of 2026 effectively address the concern of the litigants including the distance factor, threat perception and convenience. Once the Rules of 2026 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 The District Courts of the State of Uttar Pradesh for the Use of Electronic Communication and Audio-Video Electronic Means Rules, 2026 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 The District Courts of the State of Uttar Pradesh for the Use of Electronic Communication and Audio-Video Electronic Means Rules, 2026.

(Vikram D. Chauhan,J.)

October 28, 2026
D. Tamang

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