HIGH COURT OF JUDICATURE AT ALLAHABAD

TRANSFER APPLICATION (CRIMINAL) No. - 684 of 2026

Shyam Singh (Injured)

.....Applicant(s)

Versus

State Of U.P. And 4 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Deepak Kaushik
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 is filed by the applicant with a prayer to transfer the Case No. 218 of 2026 arising out of Case Crime No. 389 of 2025 (State Vs. Hemant and others) under Sections 115(2), 352, 351(3) of B.N.S., Police Station Deoband, District Saharanpur, from the court of Civil Judge (J.D.)/J.M. Deoband, District Saharanpur to the court concerned in the District Ghaziabad or other nearest Districts.

3. Learned counsel for the applicant submits that the applicant is injured/victim and is seeking transfer on the ground of threat.

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 Subsequently, the Rules of 2020 has been repealed and new Rules have been notified by notification dated 18.4.2026, namely, "The District Courts of the State of Uttar Pradesh for the Use of Electronic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.)

November 2, 2026
D. Tamang

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