

(2012) 03 UK CK 0115

In the Uttarakhand High Court

Case No : Criminal Transfer Application (C407) No. 17 of 2011

Amit Sharma

APPELLANT

Vs

The Chief Judicial Magistrate, Chamoli at Gopeshwar and
Others

RESPONDENT

Date of Decision : 20-03-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 407

Citation : (2012) 03 UK CK 0115

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Judgement

Hon'ble Prafulla C. Pant, J.—Heard. By means of this petition moved u/s 407 of Code of Criminal Procedure, 1973, the petitioner has sought transfer of the miscellaneous case no. 309 of 2011, State vs. Vijay Pal Singh and others, pending in the court of Chief Judicial Magistrate, Chamoli, at Gopeshwar, to any other district of the State preferably District Hardwar or District Dehradun

2. Learned counsel for the petitioner submitted that petitioner is complainant who lives in Rishikesh. It is further stated that there is threat to the life of the petitioner in Chamoli.

3. A counter affidavit has been filed on behalf of respondent nos. 2 to 5 in which it is stated that there is no threat to the complainant in District Chamoli. It is further pleaded by the learned counsel for the respondent nos. 2 to 5 that it will be highly inconvenient for the accused to face trial in District Hardwar or Dehradun. In the above circumstances, having considered submissions of learned counsel for the parties, and after going through the papers on record, in the interest of the justice, it is directed that record of criminal case no. 309 of 2011, State vs. Vijay Pal Singh and others, pending in the court of Chief Judicial Magistrate, Chamoli, at Gopeshwar, be transferred to the court of Chief Judicial Magistrate, Rudraprayag, for further proceedings of the trial. (Miscellaneous application no. 212 of 2012, stands disposed of).