
(2008) 04 AHC CK 0301

In the Allahabad High Court

Case No : Criminal M.T.A. No"s. 213 and 214 of 2008

Ganpat Jain

APPELLANT

Vs

State of U.P. and Another

RESPONDENT

Date of Decision : 01-04-2008

Acts Referred:

Citation : (2008) 2 ACR 2262

Hon'ble Judges : Barkat Ali Zaidi, J

Bench : Single Bench

Advocate : Nitin Srivastava, for the Appellant; A.G.A., for the Respondent

Judgement

Barkat Ali Zaidi, J.—That aforementioned two applications have been amalgamated and are being disposed of by a common order.

2. Heard Sri Nitin Srivastava for the applicant.

3. The accused-applicant in aforementioned cases belong to Ankola, Karnataka and the cases against him are pending in the Court of Ist Addl. Chief Judicial Magistrate, Muzaffar Nagar.

4. The accused apprehends danger to his life, at the hands of his adversaries at Muzaffar Nagar and seeks transfer of these two cases to district Ghaziabad.

5. In a previous Complaint Case No. 815 of 2007, on a Transfer Application No. 168 of 2008, between the same parties, under the same provisions of law, the case was transferred from District Muzaffar Nagar to District Ghaziabad by order dated 12.3.2008, passed by this Court on the same grounds, on the basis of a modus-vivendi, arrived at between the parties counsel.

6. In these applications, Sri Pankaj Bharti advocate, who was counsel for the complainant in the aforementioned case, has not appeared and has informed that he has no instructions from his client in these cases, and that is why he has not appeared.

7. Instead of issuing notice to the opp. party to these transfer applications, we have considered it appropriate, to transfer these two cases also to district Ghaziabad, which are of similar nature and are between the same parties. If the perception of threat has been found to exist, which can be assumed on the basis of modus-vivendi, the same will also exist in these two transfer applications.

8. As such, instead of wasting further time in issuing notice and asking for a reply, it was considered feasible and proper to pass order for transfer of these two complaint cases, also from district Muzaffar Nagar to district Ghaziabad.

9. It seems appropriate that the cases between the same parties will be decided by one and the same Court and it would not be just that two complaint cases remain pending at district Muzaffar Nagar, while one goes to Ghaziabad.

10. Orders are, therefore, passed for transfer of the aforementioned two complaint cases from district Muzaffar Nagar to district Ghaziabad, where the District Judge, Ghaziabad will assign them to the same Magistrate, where the earlier Complaint Case No. 815 of 2007, between the parties may have been transferred.

11. The Magistrate should be asked to decide the case on priority basis, because one of the party belongs to far off place.

12. Transfer applications are disposed of accordingly.