

(2023) 02 UK CK 0053

In the Uttarakhand High Court

Case No : Civil Transfer Application No. 05 Of 2022

Sachin Agarwal

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 15-02-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 407
Indian Penal Code, 1860 — Section 120B, 328, 506

Citation : (2023) 02 UK CK 0053

Hon'ble Judges : Vipin Sanghi, CJ

Bench : Single Bench

Advocate : Abhishek Verma, Amit Bhatt, R.P. Nautiyal, Pawan Kumar Nath

Final Decision : Disposed Of

Judgement

Vipin Sanghi, CJ

1. This petition has been preferred under Section 407 of Cr.P.C. by the petitioner to seek transfer of Special Session Trial No.03 of 2022, "State vs. Nikhil Agrawal & another", arising out of FIR No.157 of 2019, under Sections 328, 506 and 120-B IPC, registered at P.S. Dalanwala, District Dehradun, pending in the Court of District & Session Judge, Dehradun from the said district to any other competent court in other districts.
2. The petitioner is the complainant, on whose complaint, the aforesaid FIR was registered, and post investigation, Special Session Trial Case has been instituted.
3. Learned counsel for the petitioner submits that the accused in the case is the brother of a practicing Advocate in the Court of the District & Sessions Judge, Dehradun. According to the petitioner, the said brother of the accused is not only creating hindrance in the case, but is also threatening the petitioner.
4. Having heard learned counsel, and perused the petition, in my view, a case is not made out for transfer of the said Special Session Trial case. The Court of the

District & Sessions Judge, Dehradun is certainly competent to deal with any situation which may arise, and merely because the brother of the accused is an Advocate, it cannot be accepted that he can influence the progress of the case. So far as the threat perceived by the petitioner is concerned, I leave it open to the petitioner to bring the same to the notice of the Trial Court and the Trial Court shall take appropriate steps to grant protection to the petitioner under the Witness Protection Scheme.

5. The petition stands disposed of in the aforesaid terms.

6. Pending application, if any, stands disposed of.