

Allahabad High Court

Ghanshyam Pathak vs State Of U.P. & Another on 21 June, 2010

Court No. - 29

Case :- TRANSFER APPLICATION (CRIMINAL) No. - 323 of 2010

Petitioner :- Ghanshyam Pathak

Respondent :- State Of U.P. & Another

Petitioner Counsel :- Madan Lal Srivastava

Respondent Counsel :- Govt. Advocate

Hon'ble Arun Tandon, J.

This transfer application under section 407 of Cr.P.C. has been filed for transfer of the proceedings of Criminal Case No.8968 of 2006 (State Versus Ghanshyam Pathak), under section 466,471,193 and 420 I.P.C., Police Station Cantt, District Varanasi pending before IInd Additional Chief Judicial Magistrate, Varanasi.

The only relevant averment made in the transfer application for the purpose of seeking transfer is in paragraph 8, namely one Vireshwar Shukla and Vikas are working as Peshkar and Clerk in the Court of Chief Judicial Magistrate, Varanasi and they bear enmity to the applicant. Reference has also been made to one Shiva Chand Tripathi, Advocate asking him to compromise the matter. Similarly, allegation have been made in respect of uncalled for harassment by Gaya Singh, Tunna Rai. It is on these grounds that the petitioner has made the transfer application.

I find that no employee working under the Additional Chief Judicial Magistrate is alleged to have any enmity with the petitioner.

Without entering into the correctness of the allegations as to whether the staff of the learned Chief Judicial Magistrate bears any enmity with the petitioner or not, I am of the considered view that the allegations so made are wholly out of context and do not constitute a good ground for transfer of the proceeding from the Court of Additional Chief Judicial Magistrate. Present application is based on mere apprehensions.

The transfer application is rejected.

Order Date :- 21.6.2010 VS.