SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			C407/17/2024 Nitin Srivastava --Applicant **Versus** State Of Uttarakhand Through The Secretary Home Civil Secretariat Dehradun --Respondent **Hon'ble Siddhartha Sah, J.** Mr. Pawan Mishra, learned counsel for the applicant. 2. Mr. Shailendra Singh Chauhan, learned D.A.G. assisted by Mr. V.S. Rawat, A.G.A and Mr. Vikash Uniyal, learned Brief Holder for the State. 3. By means of the present Criminal Transfer Application under Section 407 of the Code of Criminal Procedure, the applicant has sought transfer of proceedings of Criminal Case No. 42 of 2024, State vs. Nitin Srivastava under Sections 406, 409, 420 & 120B of the IPC, pending in the Court of Chief Judicial Magistrare, Bageshwar to the Court of competent jurisdiction at Dehradun. 4. The main ground on which transfer is being sought is that since the cases of same nature against the applicant and other co-accused, registered in other districts of the State of Uttarakhand, are being tried by the Court having competent jurisdiction at

Dehradun, therefore trial of the applicant in the trial court at Bageshwar is not legally justified in any manner.

5. Opposing the said transfer application, Mr. Shailendra Singh Chauhan, learned D.A.G. would submit that out of total 24 witnesses, 15 witnesses had already been examined in the year 2024. In the counter affidavit, the State has raised an objection that most of the witnesses are from District Bageshwar, hence, it is not possible for the victim as well as witnesses to appear before the court of Dehradun for evidence. On such premise, the learned State counsel sought rejection of the transfer application.

6. Heard learned counsel for the parties.

7. After going through the record, the sole ground on which the transfer is being sought is that cases of similar nature are being tried by a court of competent jurisdiction at Dehradun. This would not be a good ground for transfer of the case of the trial to Dehradun from Bageshwar, inasmuch as the witnesses are belonging from District Bageshwar and they will face a lot of difficulty in travelling to Dehradun.

8. In such view of the matter, no good ground is made out for transfer. The Transfer Application is rejected accordingly.

(Siddhartha Sah, J.)

21.08.2026

Shiv/

