

ITEM NO.9 Court 7 (Video Conferencing) SECTION XVI-A

**S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S**

Transfer Petition(s)(Criminal) No(s). 222/2020



Petitioner(s)

VERSUS

STATE OF U.P. & ANR.

Respondent(s)

(FOR ADMISSION and IA No.69625/2020-EXEMPTION FROM FILING O.T. and IA No.69627/2020-EXEMPTION FROM FILING AFFIDAVIT)

Date : 05-08-2020 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Rakesh Kailash Sharma, Adv.
Mr. Alok singh, Adv.
Ms. Manju Jetley, AOR

For Respondent(s)

**UPON hearing the counsel the Court made the following
O R D E R**

The petitioner seeks transfer of the Criminal Case filed by her under Section 376 of the Indian Penal Code pending against the Respondent No.2, *Deepak Sharma*, before the Court of Additional Chief Judicial Magistrate-I, Amroha, U.P. to a competent court at Delhi.

Mr. Rakesh Kailash Sharma, learned counsel for the petitioner submits that the accused *Deepak Sharma* is currently posted as Assistant Commissioner in the Drugs Control Department at Moradabad but is absconding himself from the criminal process, in the nearby court at Amroha. In this context, the counsel next refers to the Communication dated 28.03.2019 by the Additional Civil Judge-II

(Sr. Div.)/ACJM, Amroha to point out that the accused *Deepak Sharma* is absconding and is trying to delay the criminal process against him.

The petitioner's counsel also refers to the complaint of the petitioner as also the counter affidavit of the wife of the accused, *Deepak Sharma*, to point out that he is threatening all concerned including his lawyer. The counsel next submits that this Court had dismissed the Special Leave Petition of the accused, on an earlier occasion.

Having regard to above, let notice returnable in four weeks be issued.

In the meanwhile, there shall be stay of further proceedings in Criminal Case No.1784/2019 FIR No. 285/2018, pending before the Additional Chief Judicial Magistrate-I, Amroha, District Amroha (U.P.).

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(R.S. NARAYANAN)
COURT MASTER