

Usha Gupta and anr. Vs. State of U.P. and anr.

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SooperKanoon Citation : sooperkanoon.com/486259

Court : Allahabad

Decided On : Mar-28-2008

Reported in : II(2008)DMC358

Judge : B.A. Zaidi, J.

Appellant : Usha Gupta and anr.

Respondent : State of U.P. and anr.

Judgement :

B.A. Zaidi, J.

1. A criminal case No. 3198 of 2007 (State v. Smt. Usha Gupta) is pending in the Court of Munsif Magistrate, Court No. 4, Kanpur Nagar.
2. The two applicants, who are accused in the case, have come to this Court seeking transfer of their case from that Court to another Court in the District.
3. Heard Mr. D.P. Misra, Advocate for the applicants and Mr. Mohammad Israil Siddiqui, Addl. Government Advocate for the State.
4. The ground on which the transfer is sought is that 'Samdhi' of informant-opposite party No. 2 is posted as Peshkar in the said Court where case is pending.

5. This is sufficient ground for transfer of this case from the said Court and the case be, therefore, transferred by the District Judge to some other Court.
6. It may also be observed that Magistrate in this case issued non-bailable warrants straightaway against the accused, which was unjustified and unwarranted, in the first instance, because no reasons were given by him as to why the summons were not issued in the first instance.
7. The District Judge will keep a watch over the work of the Magistrate so that he does not repeat any such mistake.
8. A copy of this order be sent by the office to District Judge, Kanpur Nagar for information.