



IN THE HIGH COURT OF UTTARAKHAND AT
NAINITAL

Criminal Transfer Application No.01 of 2024

Bharat Grover and others

.... Applicants

Versus

State of Uttarakhand and another Respondents

Present:-

Mr. Shariq Khurshid, learned counsel for the applicants.

Mr. Rakesh Joshi, learned AGA for the State.

Mr. Rajat Mittal, learned counsel for respondent no.2.

Hon'ble Siddhartha Sah, J. (Oral)

By means of the present Criminal Transfer Application under Section 407 of the Cr.P.C., the applicants have sought the transfer of Case No. 2598 of 2023, *Smt. Nimmi Rawat v. Shri Bharat Grover & Others*, under Sections 12, 18, 20, and 22 of the Protection of Women from Domestic Violence Act, 2005, pending before the Court of the Additional Civil Judge (S.D.), Fifth, Dehradun, to the Family Court, Kashipur, District Udham Singh Nagar.

2. The main ground urged in the present transfer application is that applicant No. 2, who is the father-in-law of respondent No. 2, is handicapped and is unable to travel to Dehradun and appear before the Court of the Additional Civil Judge (S.D.), Fifth, Dehradun.



3. It is further stated in the transfer application that applicant Nos. 2 and 3 are senior citizens and are unable to travel to Dehradun and appear before the Court of the Additional Civil Judge (S.D.), Fifth, Dehradun, as the distance between Jaspur and Dehradun is about 180 km. It is submitted that it is very difficult for the applicants to travel such a distance to appear before the trial Court and, therefore, on these grounds, the present transfer application has been filed.

4. Per contra, learned counsel for respondent No. 2, while placing reliance upon the entire order sheet of the proceedings under Sections 12, 18, 20, and 22 of the Protection of Women from Domestic Violence Act, 2005, submits that the said order sheet clearly reveals that it is only applicant No. 1, who is the husband of respondent No. 2, who has been regularly appearing before the trial Court. As such, there is no requirement for all the applicants to appear on each and every date of hearing, and their appearance may be required only as and when specifically directed by the trial Court.

5. Learned counsel for respondent No. 2 submits that, since applicant No. 2 appears to be a physically challenged person, there is absolutely no objection if an application seeking exemption from personal appearance is filed on his behalf.

6. In such view of the matter, since the principal ground for seeking transfer is that applicant No. 2 is a physically challenged person, it would be open to him to seek exemption from personal appearance. If an application for exemption is filed on his behalf, the same



may be considered and allowed by the trial Court in accordance with law, and the proceedings may thereafter continue in accordance with law.

7. It is also apparent from the order sheet that applicant No. 1, who happens to be the husband of respondent No. 2, has been regularly appearing before the trial Court. Hence, no ground is made out for transferring the case from the Court of the Additional Civil Judge (S.D.), Fifth, Dehradun/ACJM, Dehradun, to any other Court.

8. Accordingly, the transfer application is dismissed.

(Siddhartha Sah, J.)

17.07.2026

BS