



2021 INSC 563

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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2021
(Arising out of SLP (Criminal) No. 3789 of 2018)

VIKRANT VIKAL TRIPATHI

APPELLANT(S)

VERSUS

STATE OF UTTAR PRADESH & ANR.

RESPONDENT(S)

O R D E R

Leave granted.

The present appeal has been preferred assailing the order dated 20.02.2018 passed by the High Court of Judicature at Allahabad, Lucknow Bench rejecting application seeking transfer of FIR No. 80/2013 dated 29.04.2013 for offence under Sections 498-A, 323, 504, 506 of the Indian Penal Code (for short 'the IPC') and under Section 3/4 of the Dowry Prohibition Act registered at P.S. Talkatora, District Lucknow, Uttar Pradesh to District Fatehpur and tagged along with FIR No. 289/2013 dated 01.07.2013 registered at P.S. Kotwali, District Fatehpur instituted at the instance of estranged wife (respondent no.2).

This Court while issuing notice on 07.05.2018 stayed further proceedings in connection with the FIR No. 80/2013 dated 29.04.2013. It reveals from the record that notice has been duly served on respondent no.2, but no one has put in appearance on her behalf.

It is informed to this Court that in reference to FIR No. 289/2013 dated 01.07.2013 registered at P.S. Kotwali, District Fatehpur, Uttar Pradesh under Sections 498-A, 323, 504, 506, 342 and 494 of the IPC and Section 3/4 of the Dowry Prohibition Act, charge-sheet has been filed and summons have been issued for recording the presence of the appellant, but the appellant has not recorded his presence so far.

After we have heard the learned Counsel for the parties, we consider it appropriate to transfer FIR No. 80/2013 dated 29.04.2013 registered at P.S. Talkatora, District Lucknow, Uttar Pradesh on the file of the learned Civil Judge, Junior Division, District Fatehpur and be tagged along with FIR No. 289/2013 dated 01.07.2013 registered at P.S. Kotwali, District Fatehpur.

It is informed that 1st October, 2021 has been fixed by the learned trial Judge in the proceedings and for recording presence of the appellant. The appellant shall appear and record his presence on the date fixed before the learned trial Judge, i.e. 1st October, 2021.

We direct that further proceedings in reference to both the afore-stated FIR No. 80/2013 and FIR No. 289/2013 be taken up together by the Trial Judge.

With these observations, the appeal stands disposed of.

Pending application(s), if any, shall stand disposed of.

.....J
(AJAY RASTOGI)

.....J
(ABHAY S. OKA)

NEW DELHI;
SEPTEMBER 28, 2021.