



2026:UHC:3329

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p>C447 No.17 of 2026 <b><u>Hon'ble Alok Mahra, J.</u></b></p> <p>Mr. Sajjad Ahmad, Advocate for the applicant. Mr. B.N. Molakhi, Deputy Advocate General for the State of Uttarakhand.</p> <p>2. An F.I.R. was lodged by the complainant on 21.06.2024, alleging that the applicant committed rape on her sister, a minor aged 14 years. The victim became pregnant by the applicant, and subsequently delivered a baby boy in October 2025. D.N.A. testing was conducted on the baby boy, the victim, and the applicant, which conclusively established that the applicant is not the biological father of the child.</p> <p>3. The present transfer application has been filed by the applicant seeking transfer of Special Sessions Trial No.127 of 2024 from the Court of the F.T.S.C. (POCSO)/Additional Sessions Judge, Roorkee, to any competent Court at Haridwar.</p> <p>4. The primary ground for transfer is that, despite the D.N.A. mismatch exonerating the applicant, the trial Court is pressuring the Investigating Officer to compel the applicant to disclose the identity of the baby's biological father. Consequently, the Investigating Officer has been repeatedly summoning the applicant and his family members to reveal this information. The applicant maintains that he has no knowledge of the biological father's identity and submits that the victim is better placed to provide such details. This ongoing process amounts to continuous harassment and victimization of the applicant by the court. Learned counsel for the applicant submits that the applicant has also preferred an application before Hon'ble the Chief Justice of this Court, raising substantially the same averments as have been made in the present criminal miscellaneous application with regard to the</p>



conduct of the Investigating Officer and the concerned Judicial Officer. A copy of the said application has also been annexed with this criminal misc. application.

5. Learned State Counsel was directed to obtain instructions, but none have been received.

6. Heard learned counsel for the parties and perused the record. Despite the D.N.A. report conclusively establishing that the applicant is not the biological father of the child, the Investigating Officer, allegedly under the influence of the trial Court proceedings, has been repeatedly summoning the applicant and his family to disclose the identity of the actual biological father. This conduct amounts to unwarranted harassment and creates an apprehension of bias and undue pressure. To maintain judicial propriety, neutrality, and to prevent abuse of process, transfer of the case to a competent court at Haridwar is necessary.

7. In such view of the matter, the Transfer Application is allowed. Special Sessions Trial No.127 of 2024, pending before learned F.T.S.C. (POCSO)/ Additional Sessions Judge, Roorkee, is transferred to a Court of competent jurisdiction at Haridwar.

8. The record of the aforesaid case shall be transferred to the transferee Court, within three weeks.

9. Registry shall forthwith communicate this order to both the Courts.

**(Alok Mahra, J.)**

02.05.2026

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