



2025:AHC-LKO:84816

**HIGH COURT OF JUDICATURE AT ALLAHABAD  
LUCKNOW**

**TRANSFER APPLICATION (CRIMINAL) No. - 119 of 2025**

S. Vignesh Shishir

.....Applicant(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Deptt. Of  
Home Lko And 3 Others

.....Opposite  
Party(s)

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Counsel for Applicant(s)

: In Person

Counsel for Opposite Party(s)

: G.A.

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**Court No. - 16**

**HON'BLE BRIJ RAJ SINGH, J.**

1. Heard the applicant in person.

2. The applicant by moving this application under Section 447 of Bharatiya Nagrik Suraksha Sanhita, 2023 has submitted that his application filed under Section 173(4) of Bharatiya Nagrik Suraksha Sanhita, 2023 for lodging an F.I.R. against opposite party no.4 is pending and the order for registration of F.I.R. is not yet passed, therefore, opposite party no. 4 is not an aggrieved person.

3. In view of the aforesaid, issuance of notice to opposite party no.4 is ***dispensed with.***

4. The applicant has filed the present application with the following main prayers:

*"a) To transfer the Criminal Complaint Under Section 173(4) of BNSS bearing Criminal Misc. Case No.3156/2025 titled as "S. Vignesh Shishir v. Rahul Gandhi" pending before the Court of learned Additional Chief Judicial Magistrate, IVth/ (MP/MLA Court), Raebareli to the Learned MP/MLA Court concerned at Lucknow (Annexure No. 1).*

*b) Direct the District Judge, Rae Bareli, to immediately transmit the entire record to the transferee court at Lucknow.*

*c) Direct the District Judge, Raebareli to insure the safety and security of entire Court Records till the transfer of the matter at Lucknow.*

*d) Direct the Special MP/MLA court Lucknow to conduct the proceedings of the court with limited number of persons to be allowed inside the court hall during the course of*

*hearing, upon transfer of the complaint case from Learned Special MP/MLA Court, IVth, Raebareli.*

*e) Direct the Special MP/MLA court Lucknow to hear and decide this complaint case as expeditiously as possible within stipulated time to be fixed by this Hon'ble Court as matter relates to a foreigner who is continuing to be functioning as a member of Parliament in Lok Sabha as well as discharging presently his duties as Leader of the opposition in Lok Sabha getting to know several important secrets about the Union of India which may be potentially being passed on to foreign nations and enemies of India.*

*f) Direct the Special MP/MLA court Lucknow to conduct and try all the further trial and proceedings if in case the Special MP/MLA court Lucknow may decide and direct for lodging of First Information Report against the Respondent No.4 ie. Sri Rahul Gandhi in the present complaint case.*

*g) Direct the Special MP/MLA Court, Lucknow to conduct all the proceedings and orders in English language as the proceedings are being submitted to Govt of United Kingdom and through the Interpol correspondences are to be done for the purpose of investigation by the Kotwali Police Station, District Raebareli for extracting official records, documents about the Respondent No.4 in this present complaint case."*

5. It is case of the applicant that application under Section 173(4) of Bharatiya Nagrik Suraksha Sanhita, 2023 bearing Criminal Misc. Case No.3156 of 2025 filed by the applicant before the learned court of ACJM-IV/(MP/MLA Court), Raebareli seeking a direction to direct the police concerned to lodge/register the First Information Report under Sections 318, 335, 340, 236, 237, 61, 148, 147,152, 238, 336(3), 351, 354, 359 and 241 of Bhartiya Nyaya Sanhita, 2023, under Sections 3, 5 and 6 of the Official Secrets Act, 1923, under Sections 12 and 13 of the Passport Act, 1967 and Sections 14(B) and 14(C) of the Foreigners Act, 1946 against opposite party no. 4 i.e. Shri Rahul Gandhi.

6. It is further submitted by the applicant, who is appearing in person, that opposite party no.4, Shri Rahul Gandhi, is a sitting Member of Parliament from Raebareli Lok Sabha Constituency, against whom serious allegations have been levelled by the applicant and the applicant has filed the said application mentioning all the factual aspects.

7. It is further submitted that initially the complainant/applicant filed objection to the Returning Officer, Raebareli Lok Sabha Constituency, Chief Electoral Officer, Uttar Pradesh and the Chief Election Commissioner of India dated 04.05.2024, pursuant to which the Election Commission of India considering the seriousness of the matter, issued a

direction to the Chief Electoral Officer, Uttar Pradesh for taking appropriate action in the matter. It is further stated that the Chief Electoral Officer, Uttar Pradesh has directed the Returning Officer/District Election Officer, Raebareli through its Letter No.178/Ra.Gha/CEI-Shikayat Prakoshth/2024 on 04.05.2024 to take cognizance of the objections filed by the complainant and take appropriate action in the matter. The Ministry of Home Affairs, Foreigners Division, Citizenship Wing issued notice dated 29.04.2019 to opposite party no. 4, Shri. Rahul Gandhi seeking his explanation about the factual position regarding his British Citizenship as declared by himself in the annual returns filed in Backops Limited registered in the United Kingdom. The complainant/applicant filed WPIL No.544 of 2024, S. Vignesh Shishir vs. Shri Rahul Gandhi and others, before this Court for cancellation of Indian Citizenship of opposite party no.4 i.e. Shri Rahul Gandhi on several facts, evidences and grounds. The said writ petition was disposed of with the direction to the complainant/applicant to approach the appropriate authority through representation under the procedure of law vide order dated 01.07.2024. In compliance of the order passed by this Court in the aforesaid writ petition, the complainant/applicant submitted a very detailed representation on 04.07.2024 to the competent authority i.e. Ministry of Home Affairs, Government of India as per the Citizenship Act, 1955 along with video evidences in a pen drive. The complainant/applicant also sent the detailed representation dated 04.07.2024 through e-mail to the competent authority and his officers through email dated 08.07.2024 along with the video evidences titled "Complaint and Information Regarding British Citizenship of Shri. Rahul Gandhi, Member of Parliament, Lok Sabha from Raebareli Parliamentary Constituency–No.36 and Request for Cancellation of Indian Citizenship of Shri. Rahul Gandhi as per Rules and Regulations of Section 9(2) of Indian Citizenship Act, 1955 and Rule 40(2) of Indian Citizenship Rules, 2009 and Schedule III of the Indian Citizenship Rules, 2009", which is still pending.

8. The complainant/applicant after submitting the representation to the Government of United Kingdom/Government of Britain received information/inputs from one of the highly placed sources of the Government of United Kingdom that already the Government of United

Kingdom had received such a request letter from one Mr. V.S.S. Sarma, who had way back in the year 2022 itself had approached the United Kingdom Home Office seeking details about the British Citizenship of Shri. Rahul Gandhi, opposite party. The Government of United Kingdom, Home Office which is equivalent to the Indian Ministry of Home Affairs has already opened a file with regard to the British Citizenship issue of Shri Rahul Gandhi and that MR. VSS Sarma has already received formal communication from the Government of United Kingdom, Home Office, Nationality Enquiries Central Correspondence Team.

9. The applicant has submitted that in view of above facts and circumstances, it is even more specific and clear that once the Letter of Authority is issued by Shri. Rahul Gandhi, the Government of United Kingdom more particularly the Home Office will be able to provide a more substantive response.

10. After receiving the reply from the Government of United Kingdom, Home Office represented by Mr C Fletcher, Nationality Enquiries Central Correspondence Team, Customer Contact & Correspondence Services, Mr. V.S.S. Sarma once again sent another request/query to the same authority in the Home Office, United Kingdom and requested for reply by email dated 23.09.2022 to Mr C Fletcher, Nationality Enquiries Central Correspondence Team, Customer Contact & Correspondence Services. In response to the aforesaid email, the competent authority of the United Kingdom Home Office represented by Mr. Fletcher replied in the second email dated 03.10.2022.

11. The complainant through representation dated 19.07.2024 requested the competent authority i.e. Ministry of Home Affairs, Government of India for immediate termination of the Indian Citizenship of Shri. Rahul Gandhi under Section 9(2) of the Citizenship Act 1955, under Rule 40(2) of Citizenship Rules, 2009 and Schedule-III of the Citizenship Rules 2009 on the ground that he has already acquired the British Citizenship and the existence of his name in the records and data of the Government of United Kingdom/Government of Britain Home Office have already been explained in various email communications categorically admitting the presence of the name of Shri. Rahul Gandhi in the records.

12. It is further submitted that after submission of the correspondence of the Government of United Kingdom with regard to existence of British Citizenship of Shri Rahul Gandhi to the Ministry of Home Affairs, Government of India seeking termination of his Indian Citizenship, the complainant/applicant once again was informed by Mr. V.S.S. Sarma that he had again sent a fresh email dated 15.07.2024 to the Government of United Kingdom, Home Office seeking the status of the previously pending British Citizenship of Shri Rahul Gandhi.

13. The complainant/applicant has obtained several documents and record from the United Kingdom Company's House indicating that Shri Rahul Gandhi was the Director and Company Secretary of Backops Ltd (UK Company No.4874597) and that Shri. Rahul Gandhi has himself declared his nationality as British on official documents and held 65% of shares in the said foreign entity. Shri Rahul Gandhi is also found through online United Kingdom Electoral Rolls websites to be recorded in the Electoral Roll: Historic Resident from 2007 to 2009 Years Resident: 3, mentioning the residence address as 51, South Gate Street Winchester, S0239EH, Hampshire.

14. The applicant made a complaint to the Police Station Kotwali, District Raebareli on 20.07.2024 mentioning all the above said facts and enclosed the important evidences for registering an FIR, but the police concerned has not registered any F.I.R. Thereafter, the complainant/applicant approached the Superintendent of Police, District Raebareli through email on 26.07.2024. On the application of the complainant, the Superintendent of Police, Raebareli has also not taken any action. The applicant has also approached the Director General of Police, Uttar Pradesh on 20.07.2025 through email, but all in vain.

15. Since the F.I.R. was not registered, therefore, the complainant/applicant filed Criminal Misc. Case No.3156 of 2025, under Section 173(4) of Bharatiya Nagrik Suraksha Sanhita, 2023 before the court of Additional Chief Judicial Magistrate-IV (MP/MLA Court), Raebareli for registering the F.I.R.

16. It has been submitted by the applicant that during the course of

hearing in the aforesaid complaint case, more than hundred local Advocates reached inside the Court and started shouting that a resolution on the occasion of "Advocate's Day" has been passed by the Local Bar, due to which the Court cannot function without the permission of the local Bar.

17. In reply to the said interruption created by the local Advocates, counsel for the complainant/applicant submitted to the court concerned that counsel for the complainant/applicant came from the High Court, Lucknow, as such the resolution passed by the local Bar is not binding on him, but the local Advocates deliberately and with *mala fide* intention, were adamant to interfere in the Court proceedings. The matter was heard by the court concerned and after perusing the records evidences, found the seriousness of the matter and directed the police concerned to file police report within two days by fixing the next date as 05.12.2025.

18. On 05.12.2025, the complainant/applicant along with his counsel reached inside the Court room of Additional Chief Judicial Magistrate-IV (MP/MLA Court), Raebarel for participation in the proceedings. Suddenly, about 100 local Advocates reached inside the Court room and started abusing and shouting to the complainant, his security personnel provided by this Court vide the order dated 28.08.2025 passed in Writ-C No.8300 of 2025 as well as to his counsel. During the above incident, Additional Chief Judicial Magistrate-IV, Raebareli reached inside the Court room for hearing the matter of the complainant/applicant as well as the other matters, but the abusive slogans even in front of the Court were going on by the so called local Advocates.

19. It is further stated that while this Court has granted protection/security to the complainant/applicant, it has specifically directed in the order dated 28.08.2025 passed in Writ-C No.8300/2025 that "We, as an interim measure, direct the respondent no.1 to provide the facility of one Personal Security Officer (P.S.O.) of Central Armed Police Forces round-O-clock forthwith to the Petitioner." but under the pressure of the local Advocates, the Additional Chief Judicial Magistrate-IV has directed the Personal Security Officer to stay away from the Court room and leave the complainant/applicant. Though the Personal Security Officer was not

ready to leave the complainant/applicant, but under the direction of the court, the local Advocates forcefully threw the Personal Security Officer outside the Court room with a hidden agenda to harm/endorse the life of the complainant/applicant.

20. It is further stated that during the course of hearing, one Pankaj Tiwari, who is also an Advocate and the District President of the Congress Party, Raebareli was allowed to participate in the proceedings, but the Personal Security Officer provided by this Court could not discharge his duties to protect the complainant/applicant due to the direction of the court concerned and the pressure of the local Advocates. After about one hour when the hearing was started and arguments were commenced on 05.12.2025, the Court Room was filled with more than 200 Advocates and the persons who are staunch supporters of the Congress Party and opposite party no 4, Shri. Rahul Gandhi, had clearly instructed to harm the life of the complainant/applicant inside the Court room itself and make it as a mob incident committed by unknown persons. Upon which, many persons, who were standing inside the Court Room, started intimidating the complainant giving death threats and multiple forms of abuses to the complainant from behind. The complainant could not even turn back as the entire court room was so jam packed and it could have easily resulted into a stampede inside the court room as planned by opposite party no.4 and his supporters. The complainant decided to remain calm and with all courage remained steadfast in presenting the case before the court. Due to the increased commotion, disruption of the Court proceedings by the Advocates as well as the supporters of the Congress Party and sloganeering inside the court room to instigate the pre-planned violence/riot, the Special Judge had to be escorted out by the Police/Gunner of the Special Judge to his chamber to protect the Special Judge from the situation unfolding in the court room.

21. The complainant and his counsel stood there inside the Court room and the local Raebareli District Police and other senior police officials present inside the Court room were being verbally dragged into a fight by the local Advocates and the Congress Party supporters for unknown reasons just to begin a fight/riot and violence due to this case being heard

by the Special Judge, MP/MLA Court, Raebareli against opposite party no.4, Shri. Rahul Gandhi.

22. Thereafter, the District Judge, Raebareli entered into the Court room and tried to pacify the Advocates and the Congress Party supporters, who were inside the court room, who were 200 in number, but the Advocates and the Congress Supporters did not budge or go back from the Court room and they were standing there and protesting and shouting slogans violently. After nearly one hour, they agreed to the negotiation held in the open court room itself by the District Judge, Raebareli, that they will also be allowed to be present inside the court room while the proceedings were allowed to be resumed.

23. Once again, the arguments from the complainant side began to be heard by the Special Judge for further two hours, wherein time and again, every minute one or the other Advocates, and congress party supporters were repeatedly intimidating the Special Judge, Complainant and his counsel during the hearing of this case in one way or the other. Thus, totally disrupting the proceedings of the Special Court.

24. The Complainant handed over in open Court the PEN Drive containing all digital evidences connected to this case to the Special Judge with 65B Certificate as per Indian Evidence Act.

25. Since these sloganeering and protest once again became even more fierce, the Special Judge decided to adjourn the matter to a further date for arguments and the next date was fixed as 12/12/2025. The continuous disturbances, threats, sloganeering took place resulted into very tense and violent atmosphere, which is never seen in any Court Room, since it is a very high profile case.

26. Several media personnel were also standing outside the Court Room of Additional Chief Judicial Magistrate-IV, MP/MLA, Raebareli and were watching the entire dirty hindrance created by the local Advocates under provocation of the Congress Party. The entire incident was reported by the several Print Media as well as by the Electronic Media in the evening on the very same day.



27. The complainant/applicant and his counsel were threatened, therefore, they sent a complaint dated 07.12.2025 addressed to the Station House Officer, Police Station Kotwali, District Raebareli, the Superintendent of Police, Raebareli, Additional Director General of Police, Lucknow Zone, Uttar Pradesh as well as to the Director General of Police, Uttar Pradesh with the subject "Very Serious Security Issue and Dangerous High Risk Situation, Scenario, during the Proceedings". A true copy of the complaint dated 07.12.2025 sent by the applicant, addressed to the aforesaid authorities, has been brought on record as Annexure-5 to this application. He has also invited attention of the this Court towards the provisions of Section 447 of B.N.S.S., 2023 which reads as follows:-

**“447. Power of High Court to transfer cases and appeals-** (1) *Whenever it is made to appear to the High Court---*

*(a) that a fair and impartial inquiry or trial cannot be had in any Criminal Court subordinate thereto; or*

*(b) that some question of law of unusual difficulty is likely to arise; or*

*(c) that an order under this section is required by any provision of this Sanhita, or will tend to the general convenience of the parties or witnesses, or is expedient for the ends of justice,*

*it may order---*

*(i) that any offence be inquired into or tried by any Court not qualified under sections 197 to 205 (both inclusive), but in other respects competent to inquire into or try such offence;*

*(ii) that any particular case or appeal, or class of cases or appeals, be transferred from a Criminal Court subordinate to its authority to any other such Criminal Court of equal or superior jurisdiction;*

*(iii) that any particular case be committed for trial to a Court of Session;*  
*or*

*(iv) that any particular case or appeal be transferred to and tried before itself.*

*(2) The High Court may act either on the report of the lower Court, or on the application of a party interested, or on its own initiative:*

*Provided that no application shall lie to the High Court for transferring a case from one Criminal Court to another Criminal Court in the same sessions division, unless an application for such transfer has been made to the Sessions Judge and rejected by him.*

*(3) Every application for an order under sub-section (1) shall be made by motion, which shall, except when the applicant is the Advocate-General of the State, be supported by affidavit or affirmation.*

*(4) When such application is made by an accused person, the High Court may direct him to execute a bond or bail bond for the payment of any compensation which the High Court may award under sub-section (7).*

*(5) Every accused person making such application shall give to the Public Prosecutor notice in writing of the application, together with a copy of the grounds on which it is*

*made; and no order shall be made on the merits of the application unless at least twenty-four hours have elapsed between the giving of such notice and the hearing of the application.*

*(6) Where the application is for the transfer of a case or appeal from any subordinate Court, the High Court may, if it is satisfied that it is necessary so to do in the interest of justice, order that, pending the disposal of the application the proceedings in the subordinate Court shall be stayed, on such terms as the High Court may think fit to impose:*

*Provided that such stay shall not affect the subordinate Court's power of remand under section 346.*

*(7) Where an application for an order under sub-section (1) is dismissed, the High Court may, if it is of opinion that the application was frivolous or vexatious, order the applicant to pay by way of compensation to any person who has opposed the application such sum as it may consider proper in the circumstances of the case.*

*(8) When the High Court orders under sub-section (1) that a case be transferred from any Court for trial before itself, it shall observe in such trial the same procedure which that Court would have observed if the case had not been so transferred.*

*(9) Nothing in this section shall be deemed to affect any order of the Government under section 218."*

28. Dr. V.K. Singh, learned Government Advocate, assisted by Sri Rao Narendra Singh, learned AGA, has submitted that since it is an application for transfer of the case, State has no role.

29. It is the case of the applicant that the supporters of opposite party No.4 are not allowing him to argue the case and proceedings are disrupted by the supporters. They have not allowed the applicant to spouse his cause in the court below at Raebareli. The ruckus is being created by the mob and Advocates of District Raebareli, where opposite party No.4 happens to be the Member of Parliament (M.P.).

30. The applicant has made allegation that the opposite party No.4 is a sitting Member of Parliament (Lok Sabha) from Raebareli constituency, therefore, in the light of the aforementioned facts, he prays that the case may be transferred to some other District.

31. In view of the aforesaid factual aspects, I find that in all fairness the application is liable to be transferred from District Raebareli to Lucknow.

32. Application is accordingly **allowed** and Criminal Misc. Case No.3156 of 2025, S. Vignesh Shishir Vs. Sri Rahul Gandhi, under Section 173(4) of Bharatiya Nagrik Suraksha Sanhita, 2023 pending in the court of Additional Chief Judicial Magistrate-IV, (MP/MLA Court), Raebareli, is

transferred to the court dealing with the MP/MLA Cases, Lucknow forthwith.

**(Brij Raj Singh,J.)**

**December 17, 2025**

A.Nigam