

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2014 OF 2015

SUDHIR DIGAMBAR MOHITE & ORS
VERSUS
THE STATE OF MAHARASHTRA & ANR

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Advocate for Applicant : Chatterji Joydeep
APP for Respondents: Shri U.S.Mote
Advocate for Respondents : Shri Nagargoje Prashant M for R.no-2

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CORAM : M.T.JOSHI,J.
DATED : 27TH AUGUST, 2015

ORDER :-

Heard both sides.

2] Reading of the FIR as well as charge sheet would show that in fact all the ingredients of the offences punishable u/s 498-A, 323, 504, 506 r.w. 34 of IPC were allegedly committed by present applicants within territorial jurisdiction of Court at Latur. Complaint was filed at Kaij, Dist.Beed and in the circumstances, the charge sheet came to be filed before JMFC at Kaij. All the ingredients of the offences allegedly occurred beyond his jurisdiction. However, as the learned JMFC has no jurisdiction to pass order for effecting inter district transfer, he has rejected the application of the present applicants for transfer of the proceeding from Kaij to Latur.

3] Mr.Chatterji therefore, in the above background submits that since JMFC, Kaij, Dist.Beed has no territorial jurisdiction to try the

petitioners-accused the case be transferred to the competent Court at Latur.

4] Learned counsel for respondent no.2 however, points out towards the photo copies of the medico legal certificate issued by Government Medical College and Hospital, Latur dated 4/6/2014 which would show that the complainant wife had suffered injuries due to the physical assault by present applicants. As against this, Mr.Chatterji points out the complaint filed during the same period by applicant no.1 Sudhir on assault by the brother of the complainant i.e. respondent no.2.

5] Without going into merits or demerits, as there is reasonable apprehension in the mind of complainant lady that at Latur there may not be fair trial, in my view though case is made out, of having no territorial jurisdiction with the JMFC at Kaij, Dist.Beed, in view of the reasonable apprehension, as referred supra, in my view, the proceeding need not be transferred to Latur where the present applicants i.e. accused are residing. Application is therefore, dismissed.

(M.T.JOSHI,J.)

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