

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 4342 OF 2014

Allauddin Shamsoddin Pathan

....Petitioner.

Versus

The State of Maharashtra & Ors.

....Respondents.

Mr. S.S. Panale, Advocate for petitioner.

Mr. P.N. Mule, APP for State.

Mr. S.S. Jadhav, Advocate for respondent Nos. 2 to 4.

CORAM : T.V. NALAWADE, J.

DATED : 3rd July, 2015.

ORDER :

1. The application is filed for transfer of R.C.C. No. 247/201,2 which is pending in the Court of Judicial Magistrate, First Class, Ambajogai, District Beed. The prayer is made to transfer the case to any Court of J.M.F.C. from Latur district. Both the sides are heard.

2. R.C.C. No. 247/2012 is filed by police for offence punishable under section 325, 336 etc. of Indian Penal Code against the present respondents. The crime was registered on the basis of F.I.R. given by present applicant. Respondent No. 4 is the wife of applicant and respondent Nos. 2 and 3 are relatives

of respondent No. 4. It is the case of applicant that when he had gone to Ambajogai to face the trial in R.C.C. No. 299/2011 filed for offence punishable under section 498-A etc. of I.P.C., he was intercepted by the accused persons and he was assaulted. It is his case that respondent No. 2 is a Gunda person and there is danger to the life if he is required to go to Ambajogai to face the trial of the case.

3. It is not disputed that the case filed under section 498-A of I.P.C. is still pending against the applicant in the Court of J.M.F.C., Ambajogai. In the present case, there are atleast 3 accused persons and they are shown to be residents of Bardapur, Tahsil Ambajogai. As it is the police case, the applicant will be required to go to the Court only on the date fixed for giving evidence. However, if the case is transferred to any other Court from Latur District, the accused will be required to go to Court on every date. The accused will be required to spend and circumstances that respondent No. 4 is a lady and wife of the present applicant, need to be kept in mind. It will be unnecessarily harassment to them. The applicant has not requested to transfer both the cases, but he has requested to transfer only the case filed at his instance. The State will also required to spend more on the conveyance and D.A. of the

witnesses. The applicant can approach police if he feels that he will be assaulted again in future and care can be taken in that way. This Court holds that it is not a fit case for transfer of the matter.

4. In the result, the application is rejected.

[T.V. NALAWADE, J.]

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