

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's orders.	Office Coram, Court's or Judge's orders.
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CRIMINAL APPLICATION NO. 4016 OF 2015

BAPU @ CHANDRAKANT S/O SURYABHAN AHER
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Chapalgaonkar Shailesh S.
APP for the Respondent : Mr. P. N. Mule.

CORAM: T. V. NALAWADE, J.
DATED: 10th August, 2015.

PER COURT:

1. The application is filed for transfer of Sessions Case No.26 of 2014 which was pending in the Court of Additional Sessions Judge, Kapargaon, District Ahmednagar. The applicant is original complainant and he lost his brother in the incident, Charge sheet is filed against the accused for offence punishable under sections 302, 149, 201 etc. of I.P.C. and section 4/25 of Arms Act. Both the sides are heard.
2. In view of the submissions which were made on the first date, learned A.P.P. was asked to collect report of

the concerned police station. Today, report is submitted. The report shows that at present police do not find any reason for transfer of the matter and the hearing of the case is going on properly. Police are taking proper care for keeping the witnesses present and giving protection to them.

3. The learned counsel for the applicant submits that in the Court campus itself one incident took place in which friends of the accused assaulted the witnesses to deter them and in respect of the said incident case is filed by the police for offence punishable under section 324, 452, 149 etc. of I.P.C. and this incident is sufficient to show that the accused side are trying to deter the witnesses.

4. The accused side had come before this Court for transfer of the matter and application No.4751 of 2014 was rejected by this Court. The accused side has contended that the brother of the deceased, the present applicant is trying to deter the witnesses. In view of this circumstance, due weight needs to be given to the information of the police. As per the submissions, the case is part heard and evidence of complainant and

Panch witness is recorded. The submission show that 10 accused are under trial in this case. If such a case is transferred to other district, the police may not be able to control the things and there will be really danger to the witnesses. This Court feels that there will be protection to the witnesses if the case is kept in the present place where the police know everybody and the background of everybody. In view of this, this Court holds that it is not desirable to transfer the matter. The application stands rejected. The police are expected to take necessary care of apprehension of the witnesses.

[T. V. NALAWADE, J.]

Dt.10/08/2015
ans/4016