

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

Criminal Application No.6386 of 2014

Rajashri w/o Sandip Patil.

.. Applicant.

Versus

Pramila W/o Pundlik Patil
And Others.

.. Respondents.

Shri. Pramod D. Patil, Advocate, for applicant.

CORAM: T.V. NALAWADE, J.

DATE : 16th JUNE 2015

ORDER:

1) The application is filed for transfer of private complaint bearing Criminal Complaint No.351/2013 presently pending in the Court of the Judicial Magistrate, First Class, Pachora, District Jalgaon to the Court of the Judicial Magistrate, First Class, Sakri, Tahsil Sakri, District Dhule. Heard learned counsel for the applicant. Nobody tuned up for the original complainant.

2) The matter was heard in the first session and it was kept in second session. But nobody turned up for the

complainant. Respondent No.1 has filed private complaint against the applicant and her relatives for offences punishable under sections 143, 147, 148, 323, 504, 506, 34 etc. of the Indian Penal Code. The original complainant is mother-in-law of the present applicant.

3) Submissions were made by the learned counsel for the applicant that on the basis of report given by her, police case is filed at Police Station Sakri, District Dhule for offences punishable under sections 498-A, 384, 406, 323, 504, 506, 34 etc. of the Indian Penal Code and so if the private complaint pending in Pachora Court is transferred to Sakri Court and both the matters are kept on the same date, no inconvenience will be caused to the complainant. He submitted that on the other hand if the matter is kept in present Court the applicant will suffer inconvenience and she is required to take care of her kids. Learned counsel submitted that if the complainant is required to spend for conveyance of herself and of the witnesses for bringing to them to the new Court, the applicant is ready to bear expenses of that kind.

4) In view of aforesaid circumstances this Court holds that the application needs to be allowed. In the result, the application is allowed. Private Complaint bearing SCC No.351/2013 (Pramila Pundlik Patil v. Devendra Raghunath Patil & Others) is hereby withdrawn from the Court of the Judicial Magistrate, First Class, Pachora, District Jalgaon and it is transferred to the Court of the Judicial Magistrate First Class Sakri, District Dhule. Learned Judicial Magistrate Dhule is to make attempt to see that the date of the present matter and the date of the matter filed for offences under sections 498-A etc. of the Indian Penal Code on the basis of FIR given by Rajashri Patil are fixed in such a way that no inconvenience is caused to accused from both the sides. This order is to become effective only on deposit of Rs.5000/- (rupees five thousand only) by the present applicant in this Court as expenses of original complainant, Pramila, which she is likely to incur if the matter is transferred to Sakri Court. If the amount is not deposited within 10 days from today the matter shall stand dismissed automatically. If the amount is deposited this order is to be communicated by the Registrar (Judicial). The learned Judicial Magistrate is to

issue notice on Court motion to the complainant if she does not turn up to the Court on 3-8-2015. The accused are to appear in the new Court on 3rd August 2015.

Sd/-
(T.V. NALAWADE, J.)

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