

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

Criminal Application No. 6916 Of 2014

SHABANA BEGUM W/O AMJAD KHAN PATHAN.
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS.

Appearance =>

Mr. Ghatge Mahesh V., Advocate for the Applicant.

Mr. Gaurav Deshpande, Advocate for Respondent No.2.

Mr.U.H. Bhogale, Additional Public Prosecutor for the State of Maharashtra.

CORAM : **V.M. Deshpande, J.**

DATE : **7th April, 2015.**

Per Court :-

Heard Mr. Ghatge Mahesh V., Advocate for the Applicant, Mr. Gaurav Deshpande, Advocate for Respondent No.2 and Mr.U.H. Bhogale, Additional Public Prosecutor for the State of Maharashtra.

[2] By the present application, the applicant is seeking transfer of proceeding bearing Regular Criminal Case No.202 Of 2014 pending on the file of the Judicial Magistrate, F.C., Hingoli, District – Hingoli, for the offences punishable under Section/s 498(A), 323, 504, 506 read with 34 of the Indian Penal Code to the file of any other court of Judicial Magistrate, F.C. at Nanded.

[3] Reasons for transfer as submitted by the learned counsel is that the applicant is nursing threat perception, if matter is taken at Hingoli.

[4] I have already taken a view in Criminal Writ Petition No.911 Of 2014 (Dhammadina w/o Pankaj Shivbhagat Versus The State of Maharashtra & Ors.). Paragraph No.7 of said order reads as under :-

After hearing the learned counsel for the petitioner, it is clear that the petitioner is seeking transfer of Sessions Case No.39/10 from one court to another court on the apprehension that there is threat to her and her husband. Thus, the foundation for moving application under Section 408 of the Code of Criminal Procedure is threat perception. Mere perception is not adequate or it cannot be a reason for transferring particular criminal case from one court to the another court. The foundation must have some basis. In order to buttress his argument and to show that foundation has basis, he relied upon various complaints filed by the witnesses before the authority. The learned counsel for the petitioner also relied upon the decision of Hon'ble Apex Court in case of Mrudul M Damle & Anr vs C.B.I., New Delhi, Transfer Petition (CRL)No.17 Of 2012. Said case in my opinion has no bearing in the context of facts and, therefore, said case is of no use to the applicant.

In order to substantiate the threat perception, there must be some foundation. Present application clearly lack in it. In that view of the matter, present application is merit-less and liable to be dismissed and it is dismissed accordingly.

(V.M. DESHPANDE, J.)