

**IN THE HIGH COURT OF BOMBAY AT GOA.**

**CRIMINAL WRIT PETITION NO. 60 OF 2015.**

Mrs. Varsha Vinesh Palyekar  
Alias Laxmi Shaban Pednekar,  
32 years of age,  
r/o H.No.1123/1,  
Mazal Waddo, Anjuna,  
Bardez-Goa.

... Petitioner.

v/s

1. Mr. Vinesh Gajanan Palyekar,  
Major of age, service,  
R/o H.No.80, ward No.3,  
Headland Sada, Vasco Goa,  
And R/o H. No.176/1(63),  
"Gajanan Sruti Niwas",  
M.E.S. College Road,  
Zuarinagar, Sancoale-Goa.
2. Mrs. Gayatri Gajanan Palyekar,  
Major of age, retired,  
R/o H. No.80, ward No.3,  
Headland Sada, Vasco, Goa.  
And r/o H. No.176/1(63),  
"Gajanan Sruti Niwas",  
M.E.S. College Road,  
Zuarinagar, Sancoale-Goa.
3. Mr. Sayeesh Gajanan Palyekar,  
Major of age, service,  
R/o H. No.80, ward No.3,  
Headland Sada, Vasco, Goa.  
And r/o H. No.176/1(63),  
"Gajanan Sruti Niwas",  
M.E.S. College Road,  
Zuarinagar, Sancoale-Goa.
4. Ms. Pooja Gajanan Palyekar,  
Major of age, service,  
R/o H.No.80, ward No.3,  
Headland Sada, Vasco, Goa.  
And r/o H. No.176/1(63),  
"Gajanan Sruti Niwas",  
M.E.S. College Road,

5. Zuarinagar, Sancoale-Goa.  
State  
Represented through Public  
Prosecutor, High Court of  
Bombay at Goa, Panaji-Goa. ... Respondents.

Mr. S. Dhauskar, Advocate for the petitioner.  
Mr. Venkatesh Nayak Salatry, Advocate for the respondents nos.  
1 3 and 4.

**Coram:- K. L. WADANE,J.**

**Reserved on:10<sup>th</sup> September, 2015.**

**Pronounced on :11<sup>th</sup> September,2015.**

**JUDGMENT ( Per K. L. Wadane, J)**

Heard Mr. S. Dhauskar, learned Advocate appearing  
for the petitioner and Mr. V. Nayak Salatry, learned Advocate  
appearing for the respondent.

2. Rule made returnable forthwith.

3. Heard by consent of learned counsel appearing for  
the respective parties. Mr. V. Nayak Salatry, learned Advocate  
waives notice on behalf of the respondent.

4. The petitioner has filed this Writ Petition seeking to  
quash and set aside the order dated 9.4.2015 passed by the  
learned Sessions Judge, Margao, in Criminal Miscellaneous

Application No. 92/2014 and also prayed for transfer of Criminal Case No. 85/S/2014/A pending in the Court of of Judicial Magistrate, First Class,"A" Court at Vasco to some other Court or North Goa jurisdiction.

5. Perused the petition and the order passed by the learned Sessions Judge from which it is seen that the grounds set out by the petitioner for the transfer of the petition are mainly that the Additional Public prosecutor who is representing the complainant is not giving proper advice and he is insisting the complainant to depose only about the offence of dowry. The next ground is that husband of the complainant is police constable and some time he was attending the Court as orderly and thirdly that the learned Judicial Magistrate, First Class was giving short dates for the purpose of speedy disposal of the matter. The accused persons were discharged from other charges except the charge punishable under Section 498A of the IPC.

6. I have gone through the reasons recorded by the learned Sessions Judge while dismissing the transfer petition under Section 408 of Cr.P.C. The grounds set out and arguments advanced on behalf of the petitioner are not sufficient to transfer the matter from one Court to another Court. Mr. Dhauskar, learned counsel appearing for the

petitioner has relied upon the observation in the case of ***Satish Jaggi Vs. State of Chattisgarh and others***, reported in **2007 ALL MR (Cri.) 828 (S.C.)**

7. I have gone through the facts and observations of the above cited authority. Such observations have absolutely no application to the facts of the present case.

8. There is no substance in the petition, consequently, petition stands dismissed.

9. Rule stands discharged with no order as to costs.

**K. L. WADANE, J.**

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