

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRI. WRIT PETITION NO. 5018 OF 2014

Shri Atul Sampat Sanas

... Petitioner.

V/s.

Sou. Vrishali Atul Sanas & Anr.

... Respondents.

Mr. D. D. Rananaware, Advocate for the Petitioner.

Mr. Niranjana S. Mundargi, Advocate for Respondent No.1.

Smt. A. A. Mane, APP for the State.

CORAM : M.L.TAHALIYANI,J.

DATE : 12th AUGUST, 2015

P.C. :

1 Admit. Heard finally.

2 Heard the learned counsel for the petitioner, learned counsel for respondent no.1 and the learned APP for the State.

3 This criminal writ petition challenges the order passed by the learned Sessions Judge in exercise of powers under section 408 of the Criminal Procedure Code, transferring the criminal case no. 48 of 2014 and misc. application no. 123 of 2014 to the court of Civil Judge, Senior Division, Satara.

These two cases were pending in the court of Judicial Magistrate, First Class, Koregaon.

4 The petitioner is facing trial for the offences punishable under sections 498-A and 323 in criminal case no. 48 of 2014 and he is respondent in misc. application no. 123 of 2014. Respondent no.1 herein is the wife of the petitioner and she is complainant in both the cases.

5 The transfer order came in the wake of the application made by the respondent no.1 before the learned Sessions Judge. It was stated by the respondent no.1 that the petitioner was creating lot of problems for her due to the pendency of the two cases. There used to be sharp remarks from the petitioner and his colleagues to her in the court premises.

6 The petitioner and respondent no.1, both are practicing lawyers at Koregaon court. The learned Sessions Judge was of the view that holding of trial of these two cases at Koregaon will not be in the interest of either of the parties since both of them are practicing lawyers. The pendency of the hearing of the cases give rise to unnecessary gossips. The learned Sessions Judge was of the opinion that in those circumstances, it was just and proper to transfer the cases to the Satara Court. In my view there is nothing wrong in the

order particularly when Satara is 20 kilometers away from Koregaon and it is not inconvenient to travel to Satara from Koregaon.

7 For all these reasons, I do not find any substance in the petition. The petition stands dismissed.

8 The learned Magistrate is directed to hear both the cases as expeditiously as possible.

(JUDGE)

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