

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.532 OF 2014

Mahadev Pandurang Raut .. Applicant
Versus
Bhimrao Vitthal Muke & ors .. Respondents

Mr.P.G.Sarda i/b Preeti Walimbe, Advocate for the applicant.

Ms.Sucheta Mirashi i/b Mr.Devendranath S.Joshi, Advocate for respondent nos.1 and 2.

MrDeepak Thakre, APP for the Respondent State.

CORAM : ABHAY M. THIPSAY, J.

DATED : 25th MARCH, 2015

P.C. :

1 Though the applicant who is the complainant in Regular Criminal Case No.71/08 is seeking the transfer of the said case from the Court of Judicial Magistrate First Class, Dahiwadi, District Satara to the Court of Judicial Magistrate First Class, CBD Belapur, Navi Mumbai, District Thane, in the course of arguments, the learned counsel for the applicant submits that the applicant would be satisfied if the police protection that has been ordered to be granted to him by the learned Magistrate is granted free of charge, and without recovering any cost from the applicant. This concession has been made in view of the opposition to the transfer as given by the learned counsel for the respondent nos.1 and 2 who are the accused in the said case.

2 The transfer of the case is sought basically on the ground that there is a danger to the applicant's life and limb if he is required to attend the Court at Dahiwadi, as the respondent no.1 is a resident of that area, and has threatened the applicant in the past. The Judicial Magistrate First Class, Dahiwadi, on this being pointed out to him, has already directed the concerned police authorities to give police protection to the applicant while coming to the Court. This protection, however, would be available to the applicant only on his depositing the required charges.

3 I find that the applicant had earlier offered that he would pay the necessary charges in respect of the police protection, but Mr.Sarda submits that at that time, the applicant was not aware as to how much would be the charges. Mr.Sarda submits that the applicant after ascertaining how much amount would be payable towards such charges, finds himself unable to pay the same.

4 In the circumstances of the case, it appears proper to me to direct that police protection be given to the applicant as directed by the Magistrate, without recovering any charges or costs from him.

5 The learned Magistrate and the concerned authorities of the police shall act in consonance with the directions given in this order, and do all that is necessary to give effect to this order.

6 Since it is so directed, the prayer for transfer of the case is not pressed.

7 The Application is disposed of with the aforesaid directions and with the aforesaid observations.

(ABHAY M.THIPSAY, J)