

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO.74 OF 2015

(Umesh Vitthalrao Tarale and others vs. State of Maharashtra and another)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri K.S. Motwani, Advocate for applicants.

Shri S.M. Ukey, Additional Public Prosecutor for
respondent no.1.

Shri U.N. Vyas, Advocate for respondent no.2.

CORAM : B.P. DHARMADHIKARI AND
 P.N. DESHMUKH, JJ.

DATED : JUNE 30, 2015

Heard learned respective Counsel for the
parties.

Short grievance of Shri Motwani, learned
Counsel for applicants, is that as all instances of
alleged harassment and cruelty took place at
Amravati, the complaint filed by respondent no.2
with respondent no.1 Police Station and its
investigation by respondent no.1 is without
jurisdiction, therefore, it is liable to be quashed and

set aside.

Shri Ukey, learned Additional Public Prosecutor for respondent no.1, relying upon certain judgments has urged that respondent no.1 can, in that situation, if felt necessary, transfer the complaint/ investigation to his counter-part at Amravati. He, however, submits that before matter was presented in this Court, charge-sheet was already filed in the competent Court at Akola.

Shri Vyas, learned Counsel for respondent no.2, is relying upon reply-affidavit. He submits that marriage was performed at Akola and complaint as filed shows that respondent no.1 has got jurisdiction. He is, therefore, opposing the application. He points out that charge-sheet has been presented to the Court of Judicial Magistrate, First Class, Akola on 2/2/2015.

We find that present matter was drafted on 20/12/2014 and affidavit has been sworn at Amravati on 6/1/2015. It has been presented to this Court on 4/2/2015, i.e. two days after filing of charge-sheet in the Court of Judicial Magistrate, First Class, Akola. This Court on 10/2/2015

restrained respondents from taking any coercive steps against applicants.

In view of these developments, we are inclined to grant applicants liberty to appear through their Advocate in the said Court of Judicial Magistrate, First Class at Akola to raise their objections to territorial jurisdiction and to investigation. The applicants shall accordingly file their objections within a period of four weeks from today and the said Court shall take suitable decision accordingly within next eight weeks. With these directions and liberty and keeping all rival contentions open, we dispose of the criminal application. No costs.

JUDGE

JUDGE

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