

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.6309 OF 2015

Original complainant ..Applicant

Versus

The State of Maharashtra
and six others ..Respondents

--

Mr.G.K.Naik Thigale, advocate i/b. Mr.G.J.
Pahilwan, advocate for applicant

Mr.R.V.Dasalkar, APP for respondent nos.1 to 3 –
State

Mr.U.S.Malte, advocate for respondent nos.4 to 7

--

CORAM : M.T. JOSHI, J.
DATE : JANUARY 07, 2016

PER COURT :

Heard both sides.

2] Present applicant who is the victim of the offences punishable under Section 376, 504, 506 read with 34 of Indian Penal Code, wants that R.T.C. No.496 of 2015 (learned counsel for the applicant submits that now the said case is

committed and numbered as Sessions Case No.237 of 2015) pending on the file of the Sessions Court, Ahmednagar on the strength of the complaint filed by her, be transferred to Beed Court, though the applicant is residing at Ahmednagar. According to her, upon release of the respondent nos.4 to 7/accused on bail, they indulged into pressurising her emotionally. When the applicant did not agree for the same, they called her to their house and threatened that she should abort the child conceived of the sexual intercourse else, she as well as her family members would be murdered.

3] Learned counsel for the applicant submits that the respondents no.4 to 7/accused are practicing advocates at Ahmednagar and therefore, the proceedings may be transferred, as prayed for.

4] Mr.Malte, learned counsel for the respondents/accused submits that the allegations made by the

applicant are false. There is no reasonable apprehension. The applicant/complainant is very well at liberty to seek police protection. In the circumstances, he submits that the application may be rejected.

5] Upon hearing both sides and taking into consideration the material on record, in my view, a reasonable apprehension has arisen in the mind of the applicant/victim that a fair trial may not be possible at Ahmednagar. At the same time, transfer of proceedings at Beed would cause inconvenience to both the parties who are residing at Ahmednagar.

6] This court has, therefore, during arguments proposed for transfer of the proceedings at Aurangabad. Both sides submit that though present respondent no.7 – Renu is practicing at Aurangabad, they would have no objection for

transfer of the proceedings at Aurangabad.

7] Mr.Malte, learned counsel for the respondents no.4 to 7/accused further submits that there would be difficulties for the respondents/accused for attending the Court at Aurangabad Court on each dates as they are practicing at Ahmednagar.

8] Upon hearing both sides, it is gathered that the identity of the respondents no.4 to 7/accused would not be challenged during the trial.

9] In the circumstances, the following order would meet the ends of justice :-

A] The application is allowed.

B] Sessions Case No. 237 of 2015 is hereby withdrawn from the file of the Sessions Court at Ahmednagar and transferred to the Sessions Court at Aurangabad.

C] Upon transfer, learned Principal District and Sessions Judge, Aurangabad, to allot the case to an appropriate court.

D] Learned Sessions Judge, Aurangabad, to whom the proceedings would be allotted, is requested to be sympathetic in granting permanent exemption to the respondents/accused from appearance in the sessions case.

E] The application is disposed of accordingly.

[M.T. JOSHI, J.]

kbp