

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) No. 04/2016.

Dnyaneshwar Rameshwar Kale and others.

-VERSUS-

The State of Maharashtra and another.

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

Court's or Judge's Orders

CORAM : B. P. DHARMADHIKARI
& A.S. CHANDURKAR, JJ.

DATE : SEPTEMBER 15, 2016.

Heard Shri R.M. Patwardhan, learned Counsel for the applicants. Ms. Deshmukh, learned A.P.P. for non-applicant no.1 and Shri A. Daga, learned counsel for non-applicant no.2. Perused copy of FIR as also orders of this Court dated 06.01.2016 and 28.06.2016.

2. FIR does not show any averments conferring jurisdiction on respondent no.1 at Nagpur. Learned A.P.P. submits that though investigation is over, the matter needs to be transferred to competent police station at Akot.

3. Learned counsel appearing for non-

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applicant no.2 has invited our attention to the judgment of Hon'ble Supreme Court reported at **AIR 1997 SC 2465 (Smt. Sujata Mukherjee .vrs. Prashant Kumar Mukherjee)** to urge that in a complaint lodged with the police in June, 2015 incident at Nagpur has been pointed out.

4. Learned counsel for the applicant has placed reliance upon a judgment of Hon'ble Apex Court reported at **2008 (4) SCALE 666 (Bhura Ram and others .vrs. State of Rajasthan and others)** to urge that the alleged incidence reported to police on 12.06.2015 is apparently false. He further submits that FIR does not contain any reference to that episode. He further wants to demonstrate that the facts narrated in FIR are false.

5. At this stage we are not inclined to look into the correctness or otherwise of the assertions of learned counsel for the applicant. We are satisfied with the submissions that non-applicant no.1 does not has jurisdiction at Nagpur. Learned A.P.P. has also submitted that the police complaint/investigation needs to be transferred to authorities at Akot.

6. Thus, leaving all contentions open and

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with liberty to the applicants to raise it at appropriate juncture, in accordance with law, we dispose of the present proceedings with a direction that the proceedings be transferred to police station at Akot having jurisdiction in the matter.

7. However, considering the fact that the applicant no.1 is a resident of Dewas (M.P.), and ages of applicant nos. 2 to 4, we as an interim measure, permit the applicant no.5 to appear before the competent Court/Authority, on behalf of all the applicants along with the counsel and to move such application for discharge in accordance with with law, as he may be advised. If an application seeking discharge is moved within a period of three weeks of filing of the charge sheet, the same shall be decided by the Trial Court as per law within next 8 weeks. Needless to mention that the Trial Court may pass appropriate orders requiring any of the applicants to remain present before it, if occasion therefor arises.

8. The interim exemption from personal appearance shall cease to operate after such

application moved by the applicants is decided by the trial Court.

JUDGE

JUDGE

Rgd.

CERTIFICATE

I certify that this judgment/order uploaded
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