

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

CRIMINAL APPLICATION (APL) NO.575 OF 2015.

(PRAVIN BHASKAR THAKRE & 7 OTHERS..VS.. THE STATE OF MAH. & ANR.)

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

Court's or Judge's orders

Shri D.P.Dapurkar, Advocate for Applicants.
Shri V.P.Maldhure, A.P.P. for Non-applicant No.1.
Shri A.S.Band, Advocate for Non-applicant No.2.

CORAM : B.P.DHARMADHIKARI AND
Z.A.HAQ, JJ.

DATED : FEBRUARY 08, 2016.

Heard respective counsel.

2. This Court has on 31st August, 2015, while issuing notice, restrained the non-applicant No.1 from taking coercive steps.

3. Advocate Shri Dapurkar submits that no cause of action has arisen at Daryapur and therefore, the Court at Daryapur does not have any jurisdiction.

4. Advocate Shri Band appearing for the non-applicant No.2 denies this. He in fact, seeking time to file reply to point out the correct position.

5. The learned A.P.P. relies upon the reply affidavit. He submits that the matter should be transferred to the competent Forum.

6. We find that the First Information Report has been registered under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code against eight persons. Out of them applicant No.1 is husband while other applicants are his parents, brothers and sisters. Even the person who acted as mediator in the marriage has been arrayed as an accused.

7. In this situation, we find that the interests of justice can be met with by permitting all the applicants to appear in the Court of Judicial Magistrate First Class at Daryapur through their counsel. The applicant No.1-husband and his counsel shall attend the matter on each date and applicant No.1 can file and prosecute such application including application for discharge as he may be advised to be filed before the Court of J.M.F.C.

If such application for discharge is filed within a period of four weeks of filing of the charge-sheet before that Court, the Court shall attempt to decide it in accordance with law within next four months. Till adjudication of that application, the learned trial Court shall not insist upon personal appearance of all other applicants.

With this and keeping all the rival contentions open, the criminal application is partly allowed and **disposed of**.

JUDGE

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