

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.**

13 CRIMINAL APPLICATION NO. 1704 OF 2017

SHARAD S/O. NARSINGRAO DESHMUKH

.. Applicant

VERSUS

RENUSHANKAR TULSHIRAM SHIROLE
AND ANR

.. Respondents

...

Advocate for Applicant : Shri N.L. Jadhav

APP for Respondent - State : Shri S.P. Tiwari

Advocate for Respondent No.1 : Shri R.S. Dhamangaonkar

...

CORAM : PR. BORA, J.

DATE : SEPTEMBER 14, 2017

PER COURT :

1. The applicant has filed the present application seeking transfer of the Criminal Case bearing registration no. S.T.C. No.30/2016 pending in the Court of Judicial Magistrate, First Class, (hereinafter referred to as the 'J.M.F.C.') at Bhokardan to any of the J.M.F.C. Court at Jalna. It is the contention of the applicant that, he apprehends physical harm at the hands of the respondent, if he attends the Court at Bhokardan. It is further contended that, in past such incident has happened and may again happen if he attends the Court at Bhokardan.

2. The application is opposed by the learned Counsel for the respondent. It is contended that, the allegations are false and no such incident has ever occurred in the past.

3. After having considered the submissions made on behalf of the learned Counsel appearing for the respective parties, it appears to me that, no sufficient material is brought on record by the applicant so as to accept his request. Moreover, if he really apprehends or if any such act is committed by the respondent, it would be open for him to bring the said fact to the notice of the Court, wherein the complaint is pending and he may seek further order from that Court. It would also be open for him to seek the temporary police protection if he really so apprehends and satisfies the Court about the possibility of any such harm to him at the hands of the respondent. I, therefore, do not see any reason for accepting the request. In the facts of the present case, I, however, find it necessary to direct the learned J.M.F.C. to dispose of the criminal case as expeditiously as possible and preferably within the period of three months from the date of this order.

4. Criminal application stands disposed of.

(P.R. BORA, J)