

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.91 OF 2018

NILOFAR MOUSAM DANGE AND ANR.)...APPLICANTS

V/s.

MOUSAM MUSAKHAN DANGE & ORS.)...RESPONDENTS

Mr.Umesh R. Mankapure, Advocate for the Applicants.

Mrs.Anamika Malhotra, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 3rd JULY 2018

P.C. :

1 This is an application filed by the First Informant Nilofar for transfer of the Regular Criminal Case bearing No.4207 of 2016 registered after investigating her First Information Report (FIR) and pending before the learned Judicial Magistrate First Class (JMFC) Pune. Applicant no.2 Farah Dange appears to be daughter of applicant no.1 Nilofar Dange, who is the First Informant.

2 Heard the learned advocate appearing for the applicant. He argued that proceedings under the Protection of Women from Domestic Violence Act, 2005, filed by applicant no.1 Nilofar are pending before the court at Sangli and applicants are residing at Sangli, and therefore, the criminal case for offence punishable under Section 498A, 323, 504 read with 34 of the Indian Penal Code, in which respondents are accused, be transferred to Sangli court.

3 I have carefully considered the submissions so advanced. Regular Criminal Case No.4207 of 2016 is pending on the file of the learned JMFC, Pune, it being the court of competent jurisdiction to try the said offence. Respondent nos.1 to 4 are accused in that case. First Informant Nilofar will be required to attend the court of the learned JMFC, Pune, where the criminal case is pending only for once, when she is summoned to record her evidence, the case being the State case. As against this, if the criminal case is transferred to the court of the learned JMFC,

Sangli, as per request of the First Informant, then all accused persons, which includes ladies, will be required to attend the court of the learned JMFC, Sangli, on each and every date of hearing, failure of which may result in issuance of non-bailable warrant against them, they being accused in that case. This shows that inconvenience, which may be caused to the parties, will be more to the accused, if the case will be transferred to Sangli. Hence, convenience of the lady First Informant cannot be the sole criteria. She will be required to attend the court at Pune only once, whereas the accused persons will have to attend the court of the learned JMFC, Sangli, on all dates.

4 In this view of the matter, there is no merit in the application, and therefore the order :

ORDER

The application is rejected.

(A. M. BADAR, J.)