

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.463 OF 2018

KAJAL MUKUND NARAM @ THAKKAR)...APPLICANT

V/s.

MUKUND SATISH NARAM @ THAKKAR)
AND OTHRES)...RESPONDENTS

Ms.Chaitrali Deshmukh, Advocate for the Applicant.

Mr.Vilas Tapkir, Advocate for Respondent Nos.1 to 5.

Mr.P.H.Gaikwad-Patil, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 3rd OCTOBER 2018

P.C. :

1 This is an application for transfer of Regular Criminal
Case No.1872 of 2018 for offences punishable under Sections
498A, 323, 504 read with 34 of the Indian Penal Code pending on
the file of learned Judicial Magistrate First Class,Pune to the court
of learned Judicial Magistrate First Class at Nashik Road filed by
the First Informant Kajal Mukund Naram @ Thakkar.

2 Heard the learned counsel appearing for the applicant/ First Informant in Regular Criminal Case No.1872 of 2018 pending on the file of learned Judicial Magistrate First Class, Pune. She argued that transfer under Section 12 of the Protection of Women from Domestic Violence Act initiated by the present applicant is pending on the file of the learned Judicial Magistrate First Class at Nashik Road, so also the application for restitution of conjugal rights preferred by the applicant is pending on the file of the learned Family Court at Nashik. The husband has appeared in both these matters. It is further argued that the applicant is having no source of income to attend the court at Pune, and therefore, the Regular Criminal Case needs to be transferred to the court at Nashik Road, District Nashik.

3 The learned counsel appearing for respondent nos.1 to 5/accused in Regular Criminal Case No.1872 of 2018 opposed the application. The learned APP appears for the State.

4 On the basis of the First Information Report (FIR) lodged by the applicant, charge-sheet against the respondent nos.1 to 5 is filed in the court of the learned Judicial Magistrate First Class, Pune, for offences punishable under Sections 498A, 323 and 504 read with 34 of the Indian Penal Code. The respondent nos.1 to 5 are accused in that Regular Criminal Case. It is seen that the respondents are brother-in-law and parents-in-law of the applicant. Some of them are of advanced age of 65 years. Accused Bhagyesh Satish Naram is just 18 years of age. Considering the fact that what is sought to be transferred is a criminal prosecution and that too from the court having territorial jurisdiction, comparative inconvenience which will be caused to the respondents/accused persons would be much more than that to the applicant. The applicant being the First Informant will have to attend the regular criminal case once for adducing evidence and that too on summons from the court. However, the absence of any of the respondents/accused on the date fixed for hearing will invite serious consequence of issuing warrant against them. The accused are supposed to attend the trial court on each and every

date of hearing. The expenses of attending the court by the applicant can be taken care of by the concerned court by payment of necessary charges, upon being summoned.

5 In this view of the matter, no case for transfer of proceedings is made out.

6 The application is, therefore, rejected.

(A. M. BADAR, J.)

**Arti Vilas
Khatate**

Digitally signed by
Arti Vilas Khatate
Date: 2018.10.04
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