

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.711 OF 2017

JAYSHREE MANOJKUMAR SURYAWANSHI)
(BARI))...APPLICANT

V/s.

SUBHADRABAI KASHINATH SURYAVANSHI)
(BARI) AND OTHERS)...RESPONDENTS

Mr.R.S.Pachundkar, Advocate for the Applicant.

Mr.Kalpesh Patil I/b. Vikas Kolekar, Advocate for Respondent
Nos.1 to 11.

Mr.S.V.Gavand, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 24th OCTOBER 2018

P.C. :

1 This is an application for transfer of Regular Criminal
Case No.706 of 2014 for the offence punishable under Section
498A read with 34 of the Indian Penal Code from the file of the
learned Judicial Magistrate First Class, Cantonment Court, Pune,

to the file of the learned Judicial Magistrate First Class, Akot, District Akola. The application is moved by the wife who is the First Informant. Respondents/accused nos.1, 2, 3 and 8 are mother-in-law, father-in-law, brother-in-law and husband of the applicant. The cause title of the application itself shows that accused/ father-in-law is aged 75 years, accused / mother-in-law is aged about 65 years and accused / brother-in-law is aged about 45 years and the husband is aged about 38 years.

2 The ground for seeking transfer of the criminal case from the Cantonment Court, Pune, to Akola is to the effect that the applicant/ First Informant is required to travel the distance of about 650 kilometers from Akola to Pune and the return journey. There is nobody to look after her nor she is having any resources for undertaking this to and fro journey to attend the Regular Criminal Case bearing no.706 of 2014. It is further argued that the divorce petition is transferred by this court from the Family Court Pune to Family Court Akola and Domestic Violence Case under Protection of Women from Domestic Violence Act, 2005,

initiated by the applicant is pending in the court of the learned Judicial Magistrate First Class Akot.

3 I am afraid none of the contentions is carrying any merit. The offence was tried by the jurisdictional police station i.e. Hadapsar, Pune, and the charge-sheet is filed in the jurisdictional court at Judicial Magistrate First Class, Cantonment Court, Pune.

4 The applicant / First Informant has choice to attend the court of Judicial Magistrate First Class, Cantonment Court, Pune, as per her wish, unless she is summoned by the court for adducing evidence in the matter. However, respondent nos.1, 2, 3 and 8 being accused have no such choice. As accused facing the trial of the offence, they are required to attend court on each and every date, unless they are exempted from attending the court. Thus, if the reason so mentioned is acceded, then these respondents will have to attend the court at Akot in Akola district compulsorily on each and every date. Father-in-law and mother-

in-law are aged persons. Thus, general convenience of the parties does not require that the criminal case needs to be transferred from the court of the Judicial Magistrate First Class, Pune, to the court of Judicial Magistrate First Class at Akot, District Akola.

5 It is needless to state that for attending the court at Judicial Magistrate First Class, Pune, for adducing evidence, the witnesses including the applicant would be paid bhatta towards the charges for attending the court.

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

7 The application is rejected.

(A. M. BADAR, J.)