

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

CRIMINAL APPLICATION (APPLN) NO.10/2016

Suraj Batra and another

..Vs..

State of Maharashtra and others

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

Court's or Judge's orders

Shri S.B. Tiwari, Advocate for the applicants.
Shri J.Y. Gurde, A.P.P. for non-applicant Nos.1 and 5.
Shri U.J. Deshpande, Advocate for non-applicant No.2.

CORAM : Z.A. HAQ, J.

DATE : 19.11.2018.

Heard.

By this application filed under Section 407 read with Section 482 of the Code of Criminal Procedure, the applicants (accused Nos.3 and 2) pray that the complaint case filed by the non-applicant No.2 be transferred from the Court at Akola to the Court at Mumbai. The contention of the applicants - accused is that the trial cannot be held at Akola as there is nothing on record to suggest that the applicants (accused Nos.3 and 2) have committed any offence within the local area over which the learned Magistrate at Akola can exercise jurisdiction. The learned Advocate for the non-applicant No.2 - complainant has pointed out the pleadings in paragraph No.2 which show that some acts resulting in the commission of the alleged offence have taken place at Akola in the area over which the learned Magistrate

can exercise jurisdiction.

The Advocate for the applicants has argued that even if the accusations in the complaint are taken to be true, the offence of conspiracy is not made out *prima facie* and, therefore, the complaint against the applicants (accused Nos.3 and 2) cannot be tried by the learned Magistrate at Akola. The submission made on behalf of the applicants cannot be accepted, considering the pleadings and the stage of the proceedings.

The applicants have not been able to make out a case for exercise of jurisdiction under Section 407 read with Section 482 of the Code of Criminal Procedure. The prayer for transfer of the proceedings is rejected. The application is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE