

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 243 OF 2019**

Shakshi Sehgal

...Applicant

***Versus***

M/s. Vijay Laxmi Mills & Ors

...Respondents

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Mr. Ravish Mishra for the Applicant.

Mr. A.R. Patil, APP for Respondent – State.

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**CORAM : S.S. SHINDE, J.**

**DATE : 11<sup>th</sup> SEPTEMBER 2019**

**PER COURT :-**

1. This application is filed with following prayer:

*(a) This Hon'ble Court be pleased to transfer the Complaint U/s. 138, 141 of Negotiable Instrument Act, 1881, No. SSS/1 of 2017 pending before Hon'ble Judicial Magistrate First Class at Ichalkaranji filed by the Respondent against the Applicant, to the Court of Hon'ble Chief Metropolitan Magistrate Court, Esplanade Court, Mumbai*

2. Learned counsel appearing for the applicant submits that, first Respondent has filed total 15 complaints under section 138 of the Negotiable Instrument Act, 1881 against the same parties for overall sum of Rs. 25,00,000/-. Out of 15 complaints 11 are part heard. It is

submitted that, the applicant is resident of Delhi and residing with her 11 years old son. The summons of aforesaid proceedings was served upon the applicant and applicant has appeared in the said proceedings. The said proceedings are pending before the Hon'ble Judicial Magistrate First Class, Ichalkaranji since last 1 year. The Hon'ble J.M.F.C, Ichalkaranji is placing the above matters after every 15 days making it absolutely difficult for the applicant to leave her job so as to appear before the said Court along with her 11 years old son. It is submitted that, distance from Delhi to Pune is around 1,435 Km and applicant is required to travel another 250 Km by road, from Pune to Ichalkarani which takes another six hours to reach Ichalkaranji. Therefore, learned counsel appearing for the applicant submits that, the proceedings pending before the J.M.F.C, Ichalkaraji may be transferred before the Chief Metropolitan Magistrate, Esplanade, Mumbai.

3. Learned APP appearing for the fourth Respondent - State submits that, the cause of action for filing the said complaints has arisen within the jurisdiction of Judicial Magistrate First Class at Ichalkaranji and therefore, the said cases cannot be transferred at Chief Metropolitan Magistrate's Court, Esplanade, Mumbai.

4. Heard counsel appearing for the applicant and learned APP appearing for the fourth Respondent - State. With their able assistance perused the pleadings and grounds taken in the application and annexures thereto. Merely because some inconvenience is caused to the applicant to travel Ichalkaranji from Delhi so as to attend the cases cannot be considered good ground for transfer. As rightly submitted by learned APP, the jurisdiction to try the said cases is with J.M.F.C. at Ichalkaraji and therefore, the prayer of the applicant cannot be accepted. In that view of the matter this Court is not inclined to entertain this application. Hence, application stands rejected.

5. However, liberty is granted to the applicant to file the application for exemption before concern Court. In case of filing such application by the applicant, and if the case is not fixed by the concern Court for effective hearing and if a presence of the applicant is not necessary, in that case the concern Court shall consider the prayer of the applicant liberally for exemption from appearing before the Court.

**(S.S. SHINDE, J.)**