

SAS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

***CRIMINAL APPLICATION NO.191 OF 2019
(FOR TRANSFER)***

Smt. Swapna Shrikrushna Pawar ..Applicant.
V/s.

The State of Maharashtra & Anr. ..Respondents.

Ms. Monali M.Patil for the applicant.

Mr.A.R.Kapadnis, APP for respondent-State.

CORAM : NITIN W.SAMBRE, J.

DATE : NOVEMBER 5, 2019

P.C. :-

Heard respective counsel.

2. The jurisdiction of this Court under section 407 of the Code of Criminal Procedure seeking transfer of the proceedings in Sessions Case No.450/2014, pending on the file of 39th Additional Sessions Judge, Greater Mumbai, is invoked on the ground that the applicant / complainant is residing at Nagpur and accused used to issue threats to her. She is custodian of a minor daughter and as such, it is difficult for her to travel from Nagpur to Mumbai for attending the

trial.

3. The prayer is opposed by learned APP.

4. Having appreciated the submissions made, it is worth to observe that the trial is at the stage of hearing and seven witnesses are already examined.

5. On the ground of alleged threats to the applicant, even if the prayer of transfer is pressed, the fact remains that for seeking police protection the applicant has every right to approach the said Sessions Court. In view of above, no case for exercising powers under section 407 of the Code of Criminal Procedure are made out. The application fails and is rejected.

(NITIN W.SAMBRE, J.)