

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

Criminal Application (APPLN) No.15 of 2019
(Parveenbano Mohd. Sajid Ghachi .vs. Mohd. Sajid Mohd. Siddik Ghachi
and others.)

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

Mr. C.A. Babrekar, Advocate for Applicant
Mr. M.N. Ali, Advocate for Respondent Nos. 1 to 4.
Mr. N.R. Rode, APP for Respondent No.5/State.

CORAM : Manish Pitale, J.
DATED : July 8, 2019.

The applicant herein has approached this Court seeking transfer of Regular Criminal Appeal No. 69 of 2018 from the Court of District and Sessions Judge, Yavatmal to the Court of District and Sessions Judge, Achalpur.

2. The aforesaid appeal was filed by the applicant (original complainant) against acquittal of the respondent Nos. 1 to 4 for alleged offences under Sections 498-A, 504 and 506 read with 34 of the I.P.C.

3. The applicant is seeking transfer of the said proceedings from Yavatmal to Achalpur on the ground that the distance between the two places is about 200 kms. and it is inconvenient for her to travel such a long distance to pursue her appeal. It is further contended that she desires to engage an advocate of her choice at Achalpur and that she does not have confidence that her appeal would be properly prosecuted on her behalf in the Court of District and Sessions Judge, Yavatmal.

4. It is significant that in the present case the trial Court has acquitted the respondent nos. 1 to 4 and it is the applicant who is the original complainant, who has approached the Court of District and Sessions Judge, Yavatmal by filing the appeal. In such a situation, merely because the applicant desires to engage an advocate of her choice at Achalpur, it cannot be said that a strong ground for transfer of the appeal from Yavatmal to Achalpur is made out. Since the applicant is the original complainant and she is challenging an order of acquittal, it cannot be said that distance of about 200 kms. could be a ground for transfer of appeal proceedings, because personal presence of the applicant is not required during the consideration and hearing of the appeal filed by her before the Court of District and Sessions Judge, Yavatmal.

5. In view of the above, the present application is rejected.

JUDGE

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