

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

CRIMINAL APPLICATION (APPLN) NO. 78/2018

Swati D/o Anilkumar Jambhulkar

..VS..

State of Maharashtra & ors.

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

Court's or Judge's orders

Shri S.A. Puranik, Advocate for the applicant
Shri V.P. Maldure, APP for the non-applicant/State
Shri R.M. Daga, Advocate for the non-applicant no. 3

CORAM : Z.A.HAQ, J.
DATED : 04/01/2019

Heard.

By this application under Section 407 of the Code of Criminal Procedure, the applicant who is the original informant seeks transfer of the proceedings from the Court of Principal District and Sessions Judge, Gadchiroli to the Special Court under the Scheduled Castes And The Scheduled Tribes (Prevention of Atrocities) Act at Nagpur.

According to the applicant, she is facing threat from the accused and on 15/09/2018, there had been some confrontation between the applicant and the accused in the Court (averments in para no. 9 of the criminal application). The applicant further submits that she is presently residing at Nagpur and there is nobody in her family to accompany her to Gadchiroli.

The proceedings are registered as the special sessions case after the police machinery filed the charge-sheet against the accused. It is not a private complaint case. The applicant is not required to attend the proceedings on every date at Gadchiroli. The attendance of the applicant would be required only for recording of her evidence and for the cross-examination.

In the facts of the case, the following order is passed:-

(a) The prayer made on behalf of the applicant for transfer of the proceedings from the Court at Gadchiroli to the Court at Nagpur is rejected.

(b) However, the learned Sessions Judge is directed to ensure that recording of the evidence of the applicant including the cross-examination on behalf of the accused is completed on the same day and the applicant will not be required to attend the Court at Gadchiroli repeatedly.

The prosecution and the accused have given assurance to co-operate with the Court to facilitate the recording of evidence and cross-examination of the applicant on the same day.

The criminal application is **disposed** in the above terms. In the circumstances, the parties to bear their own costs.

JUDGE