

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

CRIMINAL APPLICATION (APPLN) NO.98/2018

Someshwari W/o Purushottam Bhagat

..Vs..

The 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 Tarun Parmar, Advocate for the applicant (appointed).
Shri S.A. Ashirgade, Addl. P.P. for State / respondent No.1.
Shri A.R. Itankar, Advocate for respondent Nos.2 to 4.

CORAM : Z.A. HAQ, J.

DATE : 12.2.2019.

Heard.

By this application under Section 407 of the Code of Criminal Procedure, the applicant prays that the Regular Criminal Case No.2510/2016 filed by the State of Maharashtra and pending in the Court of Judicial Magistrate First Class, Court No.7 at Nagpur be transferred to the Court of Judicial Magistrate First Class at Amravati. According to the applicant, she cannot afford to come to Nagpur on every date as she is a daily-wager and has to take care of her 4 year old son. According to the applicant, the non-applicant No.1 is working with State Reserve Police Force and is giving threats to the applicant and may also influence the witnesses.

The learned Advocate for the non-applicant No.1 has pointed out that the non-applicant No.1 is working as Sweeper and is not in a position to influence

the witnesses, as alleged on behalf of the applicant.

As the prosecution is filed by the State of Maharashtra, the applicant is not required to appear on every date and her attendance will be required only for recording of her evidence. The applicant has not been able to substantiate the other allegations made by her to support the prayer for transfer of the proceedings. Hence, in my view, it is not appropriate to transfer the proceedings from the Court at Nagpur to the Court at Amravati. The criminal application is **dismissed**.

Fees of learned Advocate appointed to represent the applicant be paid as per rules.

JUDGE