

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**928 CRIMINAL APPLICATION NO.323 OF 2019**

**SYED SAQUIB AHRARUDDIN S/O. SYED TAREKH  
IMADUDDIN AND OTHERS  
VERSUS  
AYESHA TANVEER W/O. SAYED SAQUIB AHRARUDDIN**

Party-in-person.

Shri. V. B. Kulkarni, Advocate h/f Shri. A. B. Shinde,  
Advocate for the respondent

**CORAM : M. G. SEWLIKAR, J.  
DATED : 25<sup>th</sup> NOVEMBER, 2021**

**PER COURT :-**

1. This is an application for transfer.
2. Facts giving rise to this application are that respondent is the wife of the applicant. Respondent has filed petition bearing P.W.D.V. No. 34 of 2016 and Regular Criminal Case No. 241 of 2016 at Nanded. Applicants are seeking transfer of both these proceedings out of Nanded to any district i.e. Parbhani, Jalna or Aurangabad. Applicants have alleged that on 10<sup>th</sup> January, 2019 applicant No. 1 had been to Nanded for attending the Court as one of these two cases was fixed on that day at Nanded. It is alleged that

applicant No. 1 was assaulted by the respondent and her relatives. Applicant filed FIR with the Police Station Nanded on the basis of which Non Cognizable Case has been registered. Applicant No. 1 apprehends that if he goes to Nanded again, respondent and her relatives will again assault the applicant. Therefore, fearing for his life, applicant is seeking transfer of these proceedings to any district.

3. Respondent has filed her affidavit-in-reply. All the allegations are denied by the respondent. Respondent has contended in her say that false N.C. has been filed against the respondent. She has further alleged that she is working in Sub District Hospital, Hatgaon, District Nanded. Learned counsel Shri. Kulkarni submits that now the respondent is not working. She is at Nanded now. She has, therefore, prayed for dismissal of the application.

4. Heard Shri. Syed, Party-in-person and Shri. Kulkarni, learned counsel for the respondent.

5. Shri. Syed submits that he was assaulted by the respondent and her family members on 10<sup>th</sup> January, 2019. On the same day he lodged the complaint with the police station on the basis of which No Cognizable Case has been registered against the respondent and her family members. He submits that if he is required to go that Nanded again, there is every likelihood of he being assaulted by the respondent and her family members. He submits that, therefore, this application be transferred to either Parbhani, Jalna or Aurangabad. He further submits that he is ready to bear traveling expenses of the respondent in that eventuality. Shri. Syed submits that two cases are pending at Nanded one under DV Act and one under Section 498A of the IPC. Respondent deliberately keeps these two cases on different dates, which causes inconvenience to the applicant. In view of this, it will be appropriate if both these cases are fixed on one day.

6. Learned counsel Shri. Kulkarni submits that false case has been filed against the respondent. He submits that

it will be very difficult for the respondent to travel all alone out of Nanded. He submits that father of the respondent died due to Covid-19. She is all alone. She has a child of less than two years. She has to take care of that child also. He, therefore, prayed for rejection of the application.

7. It is not in dispute that applicant No. 1 and respondent have a child less than two years of age. It is also not controverted that respondent lost her father during Covid-19. Witnesses undisputedly are from Nanded. If case is transferred to any other district, they will have to attend that Court. So far as filing of criminal case is concerned, respondent has denied that the incident had taken place. Having regard to the fact that respondent's father is no more alive, if the case is transferred, she would have to attend the Court all alone. In these circumstances it will not be in the interest of any of the parties to transfer case from Nanded to another district. Application is devoid of any substance, hence it is dismissed. Following order is therefore, passed:-

## **ORDER**

1. Application is dismissed.
2. Learned trial Court is directed to keep both RCC No. 241 of 2016 and PWDV No. 34 of 2016 on the same date. They should not be kept on different dates.
3. Learned trial Court is directed to dispose of both the cases within six months.

**[M. G. SEWLIKAR, J.]**

ssp