

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

936 CRIMINAL APPLICATION NO.683 OF 2020

JYOTI DNYANESHWAR MAPARI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mr. Patil Dnyaneshwar J.
APP for Respondent No.1-State : Mr. N. T. Bhagat
Advocate for Respondents No.2 to 6 : Mr. B. G. Lathe
...

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 14-01-2022

PER COURT :

1. Heard learned Advocate Mr. D. J Patil for applicant, learned APP Mr. N. T. Bhagat and learned Advocate Mr. B. G. Lathe for respondents No.2 to 6.
2. Learned Advovate Mr. D. J. Patil relied on the *Rupali Devi vs. State of Uttar Pradesh and Others*, reported in 2019 DGLS (SC) 535, which is on the point of territorial jurisdiction of the Court.
3. It is to be noted that at present we are not going into the point of territorial jurisdiction of the Court. Applicant had already filed the First Information Report i.e. Crime No.80 of 2012 before Police Station Andhera, District Buldhana. But it appears that that First Information Report was initially lodged before Police Station, CIDCO Aurangabad

and it was transferred vide No.0 to Buldhana where it has been registered under Section 154 of the Code of Criminal Procedure. After the investigation, it appears that the charge-sheet has been filed, which has been now numbered as Regular Criminal Case No.106 of 2013, and it is pending before Judicial Magistrate, First Class, Chikhali, District Buldhana and Buldhana District comes under the jurisdiction of the Nagpur Bench. Therefore, the ratio in Rupali Devi (*Supra*) cannot be used in favour of the applicant in respect of transfer of case.

4. The relevant provisions of the Rule is required to be quoted here. Rule (2) of Chapter 31 of the Bombay High Court (Appellate Side) Rules, 1960, relating to presentation of proceedings at the office of the High Court at Nagpur, Aurangabad and Panaji at Goa, reads thus :-

“2. All appeals, applications, references and petitions including petitions for exercise of powers under Articles 226 and 227 of the Constitution arising in the Judicial Districts of Ahmednagar, Aurangabad, Beed, Jalgaon, Jalna, Nanded, Osmanabad, Parbhani and Latur which lie to the High Court at Bombay shall be presented to the Additional Registrar at Aurangabad and shall be disposed of by the Judges sitting at Aurangabad.”

5. As the present application is arising out of the proceedings pending before the Judicial Magistrate, First Class, Chikhali, District Buldhana, it is obviously not maintainable before this Bench at Aurangabad because Buldhana District comes under the jurisdiction of the Nagpur Bench. The application, therefore, cannot be entertained. The applicant may, if she so desires, present an application before the High Court Bench At Nagpur.

6. In view of above, present application stands disposed of.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.