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

941 CRIMINAL APPLICATION NO.3559 OF 2018

**DIVYA @ CHANDRAKALA SANDEEP PATIL
VERSUS
SANDEEP SHANKAR PATIL**

Mr. M. M. Bhokarikar, Advocate for applicants;
Mr. V. P. Raje, Advocate for respondents No.1 to 3 and 5;
Ms. V. S. Choudhari, APP for respondent No. 2 / State

CORAM : S. G. MEHARE, J.

DATE : 14th July, 2022

PC.

1. Heard the learned counsel for the applicant and the learned counsel for the respondents.
2. This is an application under Section 407 of the Code of Criminal Procedure. The applicant/wife seeks transfer of Regular Criminal Case No. 615 of 2015 pending on the file of learned Judicial Magistrate, First Class, Dhule, to the court of learned Judicial Magistrate, First Class, Chopada.
3. The case is registered on the report of the complainant for offence punishable under Sections 498A, 406, 323, 504, 506 read with Section 34 of the Indian Penal Code. It has been alleged that the respondent No.1 is a policeman; hence, the applicant has

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apprehension of assault and threats. Therefore, it is harmful to her to attend the court of Judicial Magistrate First Class, Dhule. She is residing at Chopada, Taluka Chopada, District Jalgaon.

4. Per contra, the learned counsel for the respondents has vehemently argued that the distance between these two Courts is not more than 50 Kms. The applicant would have to appear before the Court only once for recording the evidence. The allegations are imaginary and with an intention to harass the respondents. There is no material placed on record to satisfy the Court that the applicant has an apprehension of danger at the hands of the respondents. Therefore, the application deserves to be dismissed.

5. It appears that only on the apprehension this application has been filed. The various petitions between the husband and the wife are pending in various courts. The offence was registered on 04.06.2014. Since then the case is pending.

6. Considering the distance between these Courts, this Court is not inclined to accept the request. Besides this, now-a-days video conference facility is available in each court. The applicant and her witnesses may lead the evidence through video conference. No case is made out for transferring the case from the court of Judicial

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Magistrate First Class, Dhule to the court of Judicial Magistrate First Class, Chopada. Hence, the application stands dismissed.

(S. G. MEHARE, J.)

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