

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 215 OF 2017

Aarifa Imroj @ Sunny Mulla ...Applicant
Versus
The State Of Maharashtra And Ors. ...Respondents

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Mr. Umesh Mankapure, Advocate for the Applicant.

Ms. Varsha Gangawane i/by Mr. Pranil Sonawane, Advocate for Respondent Nos.2 to 4.

Mr. A. R. Patil, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.
DATE : 30th SEPTEMBER, 2022.

PER COURT:

1. This is an application preferred for transferring the proceedings pending before the Court of learned J.M.F.C. Kolhapur to the Court of learned J.M.F.C. Miraj.

2. The proceedings pending before the Court of J.M.F.C. Kolhapur are based on the First Information Report lodged by the applicant for offence punishable under Section 498-A of the Indian Penal Code. There are three accused in the said proceedings. Whereas the proceedings pending before the Court of learned J.M.F.C. Miraj are in relation to challenge to the Talakh pronounced by the husband.

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3. It is submitted by the learned Advocate for the applicant that the FIR was registered by the applicant within the jurisdiction of the J.M.F.C. Court Kolhapur, since at the relevant time she was residing in the said jurisdiction. However, she is presently residing at Miraj. It is not possible for the applicant to travel to Kolhapur all the time.

4. Learned counsel for respondent Nos. 2 to 4 however submitted that the respondents are residing within the jurisdiction of J.M.F.C. Kolhapur. The presence of the accused is necessary before the Court whenever the matter is listed for hearing. However, the complainant is not required to attend the proceedings regularly and it is only when the evidence of the complainant would be recorded, her presence will be necessary. Hence, the proceedings may not be transferred.

5. Submissions of the learned counsel for respondents required to be accepted. The first informant in the proceedings pending before the court of learned J.M.F.C. Kolhapur would require to attend the said proceedings only when her evidence will be recorded. In these circumstances, no case is made out for transferring the proceedings. Application stands disposed off accordingly.

(PRAKASH D. NAIK, J.)