

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.454 OF 2020

Ajara Yeshdani Gulam Shaikh

.... Applicant

Versus

The State of Maharashtra
and others

.... Respondents

.....

Mr. Vaibhav B. Kulkarni, Advocate h/f Mr. Ashish B. Shinde,
Advocate for the Applicant

Mr. V.S. Badakh, APP for Respondent No.1 – State

Mr. Arun G. Dalal, Advocate for Respondent No.2

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 04th JANUARY, 2023

ORDER :

1. The learned advocate for the applicant undertakes to remove office objections within one week.
2. This application, under section 407 of the Code of Criminal Procedure, is filed by the wife seeking transfer of the trial of Sessions Case No. 8 of 2016 pending at Sessions Court, Udgir to Sessions Court at Nanded.
3. According to the applicant, the respondent/husband is practicing advocate and influential person at Udgir. Husband has given threats of life to her, and therefore, she apprehends that she may not get fair trial at Udgir.

4. The husband by filing affidavit-in-reply has resisted the application, contending that since the wife is resident of Nanded, and she is being supported by her maternal uncle, who is an influential person at Nanded, therefore, he will not get fair trial at Nanded. He has however agreed that the trial may be transferred at Mukhed, which at a distance of 40 KM. from Degloor, i.e. resident of wife and 60 KM away from Udgir.

5. Learned advocate for the wife submits that wife is resident of Nanded and not Degloor. On query made to him, he submits that distance of Mukhed from Nanded is 61 KM.

6. In the peculiar facts of the present case, following order would meet the ends of justice.

ORDER

- (i) Sessions Case No. 8 of 2016 pending with the Sessions Court, Udgir is transferred to Sessions Court at Mukhed.
- (ii) As far as possible, the Sessions Court at Mukhed shall record the evidence of wife on the date on which she is called to give evidence.
- (iii) Application is allowed in above terms.

**[NITIN B. SURYAWANSHI]
JUDGE**