

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

CRIMINAL APPLICATION NO.14 OF 2020

Gayatri Ravindra Patil

.... Applicant

versus

Ravindra Prabhakar Patil & Anr.

.... Respondents

.....

- Mr. Himanshu Pujari i/b. M. N. Sandhyanshiv, Advocate for Applicant.
- Mr. Abhishek Kulkarni, Advocate for Respondent No.1.
- Mr. A. R. Patil, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 09th JUNE, 2023

P.C. :

1. Heard Mr. Himanshu Pujari, learned counsel for the Applicant, Mr. Abhishek Kulkarni, learned counsel for the Respondent No.1 and Mr. A. R. Patil, learned APP for the State.
2. This is an application for transfer of Sessions Case No.141 of 2017 pending before the Additional Sessions Judge at Kalyan, to Additional Sessions Judge at Malegaon district Nashik.

3. The Applicant has made allegations against the Respondent No.1 in her FIR, which has resulted in filing of the charge-sheet and the case is pending before the Court of Sessions at Kalyan, Thane. The main contention of the Applicant for transfer of the case is that the Respondent No.1 is attached to the police station where the offence was registered and he is issuing threats to the Applicant. His other contention is that the Applicant is residing with her maternal grandparents at Malegaon and therefore it is difficult for her to spend financially to attend the Court at Kalyan. Learned counsel for Respondent No.1 disputed both these facts. He submitted that, he has not issued any threats and that mediation process is going on between the husband and wife.

4. Learned counsel for the Respondent No.1 submits that the Respondent No.1 is not working at that police station. But he is posted at the head quarters at Thane. Learned counsel for the Respondent No.1 also submitted that if it is her main grievance that she cannot spend to travel from Malegaon to Kalyan, he is

willing to deposit amount of Rs.5,000/- in the Trial Court which the Applicant can utilize for attending the Court at Kalyan, for travelling from Malegaon.

5. I have considered these submissions. As far as the apprehension expressed by her regarding the alleged threats are concerned, those can be taken care of by directing the concerned police station to provide two lady constables for her protection when she enters Kalyan for the purpose of her deposition till she leaves Kalyan after her deposition. As far as her expenses are concerned, the Respondent No.1 has shown willingness to deposit Rs.5,000/- which can be utilized by her. In that case, it will not be necessary to transfer the case at the Court at Malegaon.

6. Hence, the following order :

ORDER

- (i) The Respondent No.1 shall deposit amount of Rs.5,000/- before the Trial Court within a period of four weeks from today.

- (ii) The Applicant is at liberty to withdraw that amount which she can utilize to travel from Malegaon to Kalyan for the purpose of attending the Court.
- (iii) The Senior Inspector of Khadakpada Police Station shall depute two lady constables to help the Applicant in attending the Court at Kalyan. For that purpose, the Applicant shall give advance notice to the Senior Inspector of said police station regarding the date of her deposition before the Kalyan Court. The said protection shall be given to her till her deposition is recorded and completed. With these observations, no further orders are necessary. The application is disposed of.
- (iv) The trial is expedited.

(SARANG V. KOTWAL, J.)