

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

CRIMINAL WRIT PETITION NO.2500 OF 2019

Sandhya Shekhar Zanjare Petitioner
versus
Shekhar Suresh Zanjare & Anr. Respondents

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- Mr. Nikhil M. Pujari, Advocate for Petitioner.
- Ms. Naina P. Boraste i/b. Girish R. Agrawal, Advocate for Respondent No.1.
- Mr. Arfan Sait, APP for the State/Respondent No.2.

CORAM : SARANG V. KOTWAL, J.
DATE : 19th JULY, 2023

P.C. :

1. Heard Mr. Nikhil M. Pujari, learned counsel for the Petitioner, Ms. Naina P. Boraste, learned counsel for the Respondent No.1 and Mr. Arfan Sait, learned APP for the State.

2. The Petitioner has challenged the order dated 07/03/2019 passed by the Sessions Judge, Nashik, in Miscellaneous Criminal Application No.203/2017 thereby rejecting the Applicant's application for transferring R.C.C. No.156/2016 pending before the JMFC Nashik Road to Nashik.

3. Learned counsel for the Petitioner submitted that the Petitioner (wife) has filed proceedings under the Protection of Women from Domestic Violence Act, 2005 (for short 'D.V. Act') before JMFC, Nashik bearing complaint No.784/2015. Since the allegations are practically the same in the proceedings u/s 498-A of IPC, it would be advantageous if both the proceedings are conducted before the same Court. He submitted that the Petitioner is an illiterate lady and is residing in a remote village. Therefore, it is more convenient for her to attend the Court in Nashik than the Court in Nashik Road. He submitted that on one occasion, the Petitioner was threatened by the Respondent No.1 (husband) in the Court premises and therefore she does not feel safe to approach the Court in Nashik Road.
4. Learned counsel for the Respondent No.1 submitted that the convenience of the complainant is irrelevant. Learned Sessions Judge has given sufficient reasons in the impugned order for rejecting the transfer application.

5. I have considered these submissions. As far as registration of non-cognizable offence is concerned, learned Sessions Judge has given cogent reasoning. The record shows that the NC was lodged after 20 days from the date of the alleged occurrence of the incident of giving threats by the Respondent No.1 to the Petitioner. In Chapter Case No.800/2017 before the concerned Executive Magistrate it was held that on that day the Respondent No.1 (husband) was on duty at his work place. The learned Sessions Judge has rightly observed that there is hardly any distance between Court at Nashik and at Nashik Road. No specific grounds are made out for transfer of the case from one JMFC to the other. The scope of both the proceedings i.e. one under 498-A of the IPC and the other under the D.V. Act is different. The learned Sessions Judge has given sufficient and correct reasons. I do not see any reason to interfere with the impugned order. The Petition cannot succeed and is accordingly dismissed.

(SARANG V. KOTWAL, J.)