

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

CRIMINAL APPLICATION NO. 229 OF 2022

Rahul Jagdish Jigjinni & Ors.

..Applicants

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Shailesh S. Kharat a/w. Ashish Raghuvanshi i/b. Rajesh V. Katore for Applicants.

Mr. Arfan Sait, APP for State/Respondent No.1.

Mr. S. H. Deshpande for Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 23 JUNE 2023

PC :

1. This is an application for transfer of R.C.C.No.1648 of 2020 pending committal on the file of the J.M.F.C. Kolhapur, to the District and Sessions Court, Pune.

2. Heard Shri. Shailesh Kharat, learned counsel for the Applicants, Shri. Arfan Sait, learned APP for the State and Shri. Deshpande, learned counsel for the Respondent No.2.

3. Learned counsel for the Applicants submitted that the Respondent No.2 had filed her F.I.R. at Rajarampuri police station,

Kolhapur and in the F.I.R. itself she has mentioned that she was residing at Pune. He submitted that, earlier, the Respondent No.2 has also filed a proceeding under the Protection of Women from Domestic Violence Act, at Pune. The present F.I.R. which is the subject matter of this petition is filed only to harass the Petitioners. The Petitioner Nos.2 and 3 are parents of the Petitioner No.1. The Petitioner No.2 is a senior citizen. He submitted that, in fact, it would be convenient for both the parties to attend the Court in Pune.

4. Learned counsel for the Respondent No.2 submitted that the investigation was conducted by the police officers of the Rajarampuri police station. Most of the witnesses and the panchas are from Kolhapur. The reason for filing of the F.I.R. at Kolhapur is also mentioned in the F.I.R. He submitted that, the Petitioner No.1 has filed a complaint U/s.420 of the I.P.C. against the Respondent No.2's father in Pune and a Summary suit against the Respondent No.2 is also filed in Pune. This itself is harassment. The Petitioner No.1 has also filed a divorce proceeding in Pune against the Respondent No.2. All this is in the nature of harassment caused to

the Respondent No.2 and her family members.

5. I have considered these submissions. In this case, the charge-sheet is already filed before the learned Magistrate at Kolhapur. The matter is pending for passing committal order. The offences alleged are under sections 376-B, 377 and 498-A of the I.P.C. Most of the witnesses are from the Kolhapur. The panchas are from Kolhapur. The investigation was carried out by the police at Kolhapur. There is no doubt that the Courts at Kolhapur would get jurisdiction to try this offence. The first informant's parents were residing at Kolhapur and she has described in her F.I.R. about the instances which had taken place in Kolhapur. In this view of the matter, I do not see any reason to transfer this case from Kolhapur to Pune. As mentioned earlier, the Petitioner No.1 has also filed a case against the father of the Respondent No.2 in Pune, though, the Respondent No.2's father is in Kolhapur. Therefore, the argument of learned counsel for the Petitioners of causing harassment applies to the harassment of the Respondent No.2's family, as well. Thus, it would be appropriate if the trial is conducted in the court at Kolhapur; particularly when most of the

witnesses are from Kolhapur and the investigation is carried out by the police officers in Kolhapur. No grounds for transfer of the case is made out.

6. The Application is dismissed.

(SARANG V. KOTWAL, J.)