

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

CRIMINAL APPLICATION NO.105 OF 2023

Sunil Maruti Ghodake & Ors

...Applicants

Versus

The State of Maharashtra & Anr

...Respondents

Mr. Ashok B. Tajane, Advocate for Applicants.

Mr. Arfan Sait, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 6th OCTOBER 2023

PC :

1. This is an Application for transferring Regular Criminal Case No.238/2021 and Criminal Miscellaneous Application No.124/2020 pending in the Court of Judicial Magistrate First Class, Kavthe-Mahankal district Sangli to the Court of Judicial Magistrate First Class, Solapur.

2. The Regular Criminal Case No. 238/2021 is in respect of the investigation carried out for the allegation of commission of offence punishable under Section 498-A of I.P.C. and other offences; and the Criminal M.A. No.124/2020 is in respect of the domestic violence proceedings. The Applicant No.1 is the husband

of the Respondent No.2. The Applicant Nos.2 and 3 are his parents.

3. Heard Mr. Ashok Tajane, learned Counsel for the Applicants and Mr. Arfan Sait, learned APP for the State/Respondent.

4. Learned Counsel for the Applicants submitted that on 29th September 2020, the relatives of the Respondent No.2 had gone to the house of the Applicants and had threatened the Applicants. He submitted that recently whenever the Applicants attended the Court in Kavthe-Mahankal, they were threatened by the Respondent No.2's relatives. He, therefore, submitted that Applicants do not feel safe to attend the Court at Kavthe-Mahankal. He further submitted that the Applicant No.2 is suffering from heart ailment and, therefore, it is difficult for her to attend the Court in Solapur District. The Applicants are the residents of Solapur.

5. I have considered these submissions. As far as the incident in Kavthe-Mahankal is concerned, the Applicants have not

lodged any complaint with the police. The allegations are vague. The incident at Solapur can not be a ground for transferring the case out of Kavthe-Mahankal. These two incidents can not be grounds for transfer of the case. I am not inclined to transfer these proceedings to Solapur. As far as the ground of heart ailment of Applicant No.2 is concerned, some protection can be granted to her by directing the trial Court not to insist on her presence unless absolutely necessary for progress of the cases. To that extent, she can be protected.

6. Hence, the following order:

O R D E R

- i) The Application is rejected.
- ii) The learned J.M.F.C., Kavthe-Mahankal, before whom the Regular Criminal Case No.238/2021 and Criminal M.A. No.124/2020 are pending, is directed not to insist on presence of the Applicant No.2 unless absolutely necessary for progress of these proceedings.

iii) Since both the cases are pending before the same learned Magistrate, he can consider keeping these cases on the same dates in future.

iv) With these observations, the Application is disposed of.

(SARANG V. KOTWAL, J.)