



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

910 CRIMINAL APPLICATION NO. 4317 OF 2024

SAVITA W/O BHAGWAN HOKE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicant : Mr. Amol Ratan Gaikwad

APP for Respondents / State : Mr. S. B. Narwade

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 26.11.2024

PER COURT :

1. Heard Mr. Amol Ratan Gaikwad, learned counsel appearing for the Applicant at length.
2. By the present Application under Section 407 of the Code of Criminal Procedure, the Applicant who is the original complainant / informant in F.I.R. No. 0313/2022 registered with Udgir Gramin Police Station, District Latur, on 10.07.2022 made a request for transfer of Sessions Case No. 44/2024 pending on the file of Additional Sessions Court, Udgir, District Latur to the Additional Sessions Court, Ambajogai, District Beed.
3. The learned counsel appearing for the Applicant canvassed that on 10.07.2022 the Applicant/informant lodged a report against the

Non-Applicant / accused on which basis the Crime No.0313/2022 registered for the offences punishable under Section 109,143, 147, 148, 149, 323, 324, 327, 342, 365, 367, 368, 452 of the Indian Penal Code and Section 135 of the Maharashtra Police Act, 1951. After due investigation, the Investigating Officer has filed charge-sheet against the Respondents/ accused. However, some matrimonial dispute is also pending between the son of the Applicant and Respondent No.7 who lodged the report for the offences punishable under Sections 498-A, 323, 504 of the Indian Penal Code on 17.01.2022, on which basis Crime No.25/22 registered with Ambajogai Police Station. Subsequently, the said dispute was amicably settled. Son of the Applicant is working as a Assistant Teacher and his marriage was solemnized on 14.05.2011 with Respondent No. 7 and out of said wedlock, the applicant's son blessed with two daughters. It, thus, the Applicant contended that on 20.11.2022 when she was present at her home at that time the accused persons visited her house and pressurized her to withdraw the matter about divorce initiated against the present Non-Applicant No.7- Madhuri and assaulted her. Therefore, she lodged a report with Ambajogai Police Station but no action has been taken by the concerned Police Station. Therefore, she is under apprehension that there is danger to her life at the hands of the Respondent accused persons.

Hence, prayed for transfer of the trial pending on the file of learned Additional Sessions Judge, Udgir, District Latur to the file of learned Additional Sessions Judge, Ambajogai, District Beed. Section 407 Sub-section 1 of Cr.P.C. empowers this Court for transfer of cases and appeal for fair and impartial inquiry or trial from one Court to another.

4. In case in hand, the Applicant seeking transfer of trial of Sessions Case No.44/2024 only on ground that the Non-Applicant / accused were visited at her house and issued some threat, which does not appear that the accused persons pressurized the learned trial Court or there is any apprehension about not conducting said trial in fair and rational manner. Therefore, I do not find that the ground set out for the transfer are substantial, and hence it cannot be entertained.

5. Therefore, the Application is rejected.

(Y. G. KHOBRAGADE, J.)

shp