IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.419 OF 2025

Shrikala Prakash Tikekar … Applicant
Vs.
State of Maharashtra & Ors. … Respondents

Mr. Siddharth Agrawal a/w Ajinkya Bakle for the Applicant.
Mr. Y. Y. Dabake, APP for Respondent No.1-State.
Mr. Siddhesh Bhole a/w Gauri Bondre i/by Mr. Aditya Andhorikar for Respondent Nos.2 to 6.
PSI Yogesh Maid, Nerul PS is present.

CORAM : N.R. BORKAR, J.
DATE : 05TH OCTOBER 2026

MUGDHA MANOJ PARANJAPE
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P.C. :

1. This is an Application under Section 447 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. By this Application, the Applicant seeks transfer of Regular Criminal Case No.1189 of 2024 from the court of C.J.J.D. and J.M.F.C., Belapur, where it is at present pending, to the court of J.M.F.C., Pune.

3. I have heard Learned Counsel for the Applicant and Learned Counsel for Respondent Nos.2 to 6.

4. The Applicant is the first informant-victim in the aforesaid Regular Criminal Case and Respondent Nos.2 to 6 are the accused therein. In the said case, Respondent Nos.2 to 6 are facing prosecution for the offences punishable under Sections 323, 406, 498-A, 504, 506 read with 34 of the Indian Penal Code.

5. The Learned Counsel for the Applicant submits that the Applicant is at present residing at Pune with her daughter, who is nine years old. It is submitted that due to financial constraint, it is not possible for the Applicant to effectively prosecute the case at Belapur. It is further submitted that the Applicant has filed petition for divorce, custody and proceedings under the provisions of Protection of Women from Domestic Violence Act, 2005 and the same are pending before the court at Pune. It is submitted that Respondent Nos.2 to 6 are appearing in the said proceedings and therefore no inconvenience will be caused to them if the matter in question is transferred to the court at Pune. Learned Counsel for the Applicant submitted that in similar circumstances, this Court in ***Prachi Raviraj Barge vs. State of Maharashtra & Ors.***[1] has allowed the application for transfer.

6. On the other hand, Learned Counsel for Respondent Nos.2 to 6 submits that Respondent Nos.3 and 4 are senior citizens. It is submitted that Respondent Nos.5 and 6 have filed Petition before this court for quashing of the proceedings in question and this court has exempted them from appearing before the trial court. It is submitted that the Applicant is seeking transfer just to harass Respondent Nos.2 to 6. It is submitted that the matter in question is a State case and the same can not be transferred on the ground of convenience. In support of the said submission, Learned Counsel for Respondent Nos.2 to 6 has relied upon the decision of the Hon'ble Supreme Court in ***Jyoti Mishra vs. Dhananjay Mishra***[2].

1 Criminal Application No.4 of 2023, dated 16/10/2024
2 (2010) 8 SCC 803

7. Admittedly the matter in question is a State case. Respondent Nos.3 and 4 appear to be senior citizens.

8. The Hon'ble Supreme Court in Jyoti Mishra vs. Dhananjay Mishra has held thus:

> *"**5.** It is true that in cases of dissolution of marriage, restitution of conjugal rights or maintenance, this Court shows much indulgence to the wife and ordinarily transfers the case to a place where it would be more convenient for the wife to prosecute the proceedings. But a criminal case is on a somewhat different footing. The accused may not be able to attend the court proceedings at Indore for many reasons, one of which may be financial constraints, but the consequences of non-appearance of the accused before the Indore Court would be quite drastic.*
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> ***6.** Having regard to the consequences of non-appearance of the accused in a criminal trial, we are loath to entertain the petitioner's prayer for transfer. In a criminal proceedings, the right of the accused to a fair trial and a proper opportunity to defend himself cannot be ignored for the convenience of the complainant simply because she happens to be the estranged wife."*

9. Even otherwise the Applicant can request the trial court to permit her to appear through video conferencing. Considering the overall facts and circumstances of the case, I am not inclined to allow the present Application. The Criminal Application is thus rejected.

(N.R. BORKAR, J.)