

(2021) 12 MP CK 0048

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.62209 Of 2021

Aarti Dhurve

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 16-12-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 407, 482

Citation : (2021) 12 MP CK 0048

Hon'ble Judges : Rajeev Kumar Dubey, J

Bench : Single Bench

Advocate : Pushpendra Dubey, Vinod Mishra

Final Decision : Dismissed

Judgement

Rajeev Kumar Dubey, J

This petition has been filed under Section 407 read with Section 482 of the Cr.P.C. for transferring the Special Case No.177/2015 (State of M.P. Vs. Ramesh & ors.) pending before learned Special Judge (Atrocities), Betul, Distt. Betul to another Court.

Learned counsel for the applicant submitted that the Special Case No.177/2005 is pending before Special Judge (Atrocities), Betul, in which applicant is a complainant. Her examination-in-chief has been recorded by the trial Court and cross-examination has to be recorded. Due to ill health applicant could not appear before the trial Court on 06/12/2021. On that, learned trial Court issued arrest warrant against the applicant without considering the medical certificate filed by applicant before the trial Court, which shows that the applicant could not get justice from the Court, so the Special Case No.177/2015 pending before Special Judge (Atrocities), Betul be transferred to another Court.

Learned counsel for the respondent No.1-State opposed the prayer and submitted that the case is pending since 2015. The applicant/complainant without any reason did not appear before the trial Court, so the trial Court issued

arrest warrant to secure her presence before the Court. The apprehension of applicant/complainant that she could not get justice from the Court is baseless. The applicant has filed this petition only to delay the trial of the case. hence, it is prayed that the petition be dismissed.

It appears that the case is pending since 2015. During trial of the case on some occasion applicant appeared before the Court, but did not give evidence. For the first time on 01/12/2021 learned trial Court recorded examination-in-chief of the applicant (complainant of the case) and on that applicant without the permission of the Presiding Officer left the Court, due to which her cross-examination could not be recorded. Learned trial Court fixed the case on 06/12/2021 for cross-examination of applicant, but on that date also applicant did not appear before the trial Court for giving evidence, due to which learned trial Court issued arrest warrant against her to secure her presence. So, only on that basis it cannot be said that applicant could not get justice from the trial Court.

Hence, the M.Cr.C. being devoid of merit is hereby dismissed.