

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

Criminal Application No.6516 Of 2014.

Dr. Sau. Vidya Satish Borude.
Age : 27 Years., Occ.: Household.
R/o.: At Present : c/o Tukaram Ahilaji
Bhalsing, Plot No.14, Vidya Nagar,
Nagar Daund Road, Ahmednagar.



Applicant.

Versus

(1) Dr. Satish Nanasaheb Borude.
Age : 34 Years., Occ.: Service &
Agri.
R/o.: Plot No.7/3/D-80.
Rani Laxmibai Chowk, Bhushan-
Nagar, Kedgaon (Deviche),
Ahmednagar.

(2) Nanasaheb Pandharinath Borude.
Age : 56 Years., Occ.: Service.
R/o.: Dahigavne, Tal. Shevgaon.
District - Ahmednagar.

(3) Shalan Nanasaheb Borude.
Age : 55 Years., Occ.: Household.
R/o.: Plot No.7/3/D-80.
Rani Laxmibai Chowk, Bhushan-
Nagar, Kedgaon (Deviche),
Ahmednagar.

(4) Sarang sonba Kivale.
Age : 26 Years., Occ.: Business.
R/o.: Brilliant Computer Academy,
At Post Mhalunge (Ingale) Chakan,
Taluka – Khed (Rajgurunagar),
District – Pune.



Non-Applicants.

Appearance =>

Mr. N.C. Garud, Advocate for the Applicant.

Mr. Prashant Nangare, Advocate for Non-Applicant Nos. 1 to 4.

CORAM : V.M. DESHPANDE, J.

DATE : 8th JUNE, 2015.

ORAL JUDGMENT :-

Rule. Rule returnable made forthwith. With consent of learned counsel for both the parties, Criminal Application is taken up for final hearing.

[2] Present Application is filed by the Applicant under Section 407 of the Code of Criminal Procedure for transfer of her proceedings namely – Criminal M.A.No.292/2013 pending on the file of the learned Judicial Magistrate, First Class, Pimpri, Pune, District – Pune to the court of the learned Judicial Magistrate, First Class, Ahmednagar.

The Applicant, who is the wife of Non-Applicant No.1 has filed proceedings bearing Cri.M.A.No.292/2013 under Section/s 18, 19, 20, 22 of the Protection Of Women From Domestic Violence Act, 2005. Present Non-Applicant Nos. 2 and 3 are the parents-in-law of the Applicant; where-as Non-Applicant No.4 is the close relative of Non-Applicant Nos. 1 to 3.

Reasons for filing the application under Section 407 of the Code of Criminal Procedure, according to the Applicant is that, Non-Applicant No.1 - husband has filed proceedings under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights, which is registered as H.M.P.No.84/2013. It is pending in the Civil Court, Senior Division, Ahmednagar. Further the Applicant

has instituted Regular Civil Suit No.122/2013 against Non-Applicant No.1 under Section 18 of the Hindu Adoption and Maintenance Act, 1956. Said suit is pending in the Civil Court, Senior Division, Ahmednagar.

The Applicant also pointed out that criminal case for offence punishable under Section 498(A) of the Indian Penal Code bearing R.T.C.No.91/2014 is pending against the Non-Applicants, before the learned Judicial Magistrate, F.C., Ahmednagar.

[3] Mr. Garud, learned counsel submitted that the Applicant, who is also Doctor by profession has shifted her residence from Pune to Ahmednagar. The learned counsel pressed into service the reported decision of this court in case of **Sayali w/o Swapnil Kuber V/s. Swapnil Harischandra Kuber, reported in [2014(1) Maha.L.J., 584]**, in order to buttress his submission about the jurisdiction.

[4] Since the proceedings filed on behalf of the husband and other proceedings are pending in the Court at Ahmednagar and since the Applicant has shifted her residence from Pune to Ahmednagar, it would be useful, convenient for the parties and beneficial in their interest to save time as well as money if proceedings i.e. CRI.M.A.No.292/2013 pending on the file of the learned Judicial Magistrate, F.C., Pimpri, District – Pune is transferred on the file of the learned Judicial Magistrate, F.C., Ahmednagar. Such transfer will cause no prejudice to any of the parties, especially when both the learned counsel submitted that in Cri.M.A.No.292/2013 yet evidence is not commenced. That leads me to pass the following order :-

ORDER

- (1) Criminal Application is hereby allowed.
- (2) Criminal M.A.No.292 Of 2013 pending on the file of the learned Judicial Magistrate, First Class, Pimpri, District – Pune under Section/s 18, 19, 20, 22 of the Protection Of Women From Domestic Violence Act, 2005 is hereby withdrawn from the file of said court and same is transferred on the file of the learned Chief Judicial Magistrate, Ahmednagar.
- (3) The learned Chief Judicial Magistrate, Ahmednagar is hereby directed to dispose of said case on its transfer, either by himself or shall allot the said case to any other learned Judicial Magistrate, First Class, for its disposal according to law.
- (4) With these observations, Rule is made absolute.
- (5) No costs.

(V.M. DESHPANDE, J.)