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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 145 OF 2016

Gajanan @ Babasaheb s/o Ananda Pawar,
Age: 42 years, Occu: Service,
R/o Singaon(j), Tq. Deulgaon Raja,
District Buldhana

..PETITIONER

VERSUS

1. The State of Maharashtra
2. Sau. Jyoti w/o Gajanan
@ Babasaheb Pawar,
Age: 30 years, Occu: Household,
R/o C/o Ganesh Santukrao Rokde,
Near Cotton Market, Sillod Road,
Bhokardan, Tq. Bhokardan,
Dist. Jalna
3. Kum. Nupur d/o Gajanan
@ Babasaheb Pawar,
Age: 11 years, U/g. Of respondent No.1,
real mother of the respondent No. 3 ..RESPONDENTS

Mr A. M. Nagarkar, Advocate for petitioner;
Mr R. V. Dasalkar, Addl. Public Prosecutor for respondent No. 1;
Mr P. V. Ambade, Advocate for respondent No. 2 and 3

CORAM : N.W. SAMBRE, J.

DATE : 22nd April, 2016

ORAL ORDER :

The respondents - wife and daughter filed an application under Section 125 of the Code of Criminal Procedure, for maintenance vide application No. 348 of 2015, pending on the file of learned Judicial Magistrate First Class, Bhokardan, of which transfer to the Court of Judicial

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Magistrate First Class, Jalna , pursuant to the provisions of Section 408 of the Code of Criminal Procedure, was sought before the learned Sessions Judge, Jalna, vide Criminal M. A. No. 73 of 2015.

2. The said application came to be rejected by the learned Sessions Judge, Jalna by an order dated 22nd January, 2016. As such, present petition.

3. Heard learned Counsel appearing on behalf of petitioner. He submits that, if the proceedings is transferred to Jalna Court, the same will be convenient to the respondent – wife. He then submits that the parties to the said proceedings filed under Section 125 of the Code of Criminal Procedure will be comfortable at Jalna, which was demonstrated before the Court below, but the Court below has not considered the same.

4. Learned Counsel appearing on behalf of respondents opposed the petition on the ground that, since respondents wife and daughter are in financial difficulty, they have initiated proceedings under Section 125 of the Code of Criminal Procedure at Bhokardan and there is no question of transfer of proceedings at the behest of the petitioner from Bhokardan Court to Jalna Court.

5. With the assistance, I have perused the findings recorded by the learned Sessions Judge. The learned Sessions Judge, considered the very object of the Section 125 of Code of Criminal Procedure, intention with

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which the proceedings were initiated by the respondent – wife against petitioner and proceeded to reject the application.

6. In the above background, In my opinion, no case for interference is called for in extra-ordinary jurisdiction, petition fails and stands dismissed.

(N.W. SAMBRE, J.)

sjk