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

CRIMINAL APPLICATION NO. 4182 OF 2016

Sau. Deepali @ Gauri w/o Shrikant @ Rahul Bagde,
Age: 25 years, Occu: Household,
R/o C/o. Rajendra s/o Vasant Shende,
Chetan Niwas, Balajipura, Near Wagh Building,
Amalner, Tq. Amalner,
Dist. Jalgaon

..APPLICANT

VERSUS

Shrikant @ Rahul S/o Sanjay Bagde,
Age: 28 years, Occu: Business,
R/o. 2, Building Del, Desuza Colony,
College Road, Nashik 422005.

..RESPONDENT

Mr R. M. Deshmukh, Advocate for applicant;
Mr M. M. Bhokarika, Advocate for respondent

CORAM : N.W. SAMBRE, J.

DATE : 3rd October, 2016

ORAL ORDER :

The present applicant was married to respondent on 4th July, 2014 and since there arose differences, various proceedings are filed against each other by the respective parties, which are pending before competent Courts at Amalner, District Jalgaon.

2. The present application is moved by the wife seeking transfer of Regular Criminal Case No.329 of 2015, for offences punishable under sections 406, 420 and 506 read with section 34 of the Indian Penal Code, which is pending on the file of learned Judicial Magistrate First Class,

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Nashik, to the court of learned Judicial Magistrate First Class at Amalner, for being tried with the other matters.

3. The prayer for transfer of proceedings is strenuously opposed by Mr Bhokarikar, learned Counsel appearing on behalf of respondent, on the ground that if the proceedings are transferred, the same will cause great prejudice to the respondent and also to the expert witnesses.

4. It is not in dispute that this court, in the above referred background, has already passed an order on 5th July, 2016, in Misc. Civil Application No.54 of 2016, ordering transfer of petition No. A.437/2014, pending on the file of Family Court, Nashik to the court of Civil Judge Senior Division, Amalner.

5. I am informed that there are in all three proceedings pending at Amalner. This Court, while passing the above referred order, was made aware about pendency of Regular Criminal Case No.329 of 2015, as is reflected from para 3 of the said order.

6. The fact remains that the complaint case as is filed by respondent No.1 against the petitioner and her family members, is arising out of the matrimonial relations.

7. In view thereof, in addition to the reasons stated in the order dated 5th July, 2016, having regard to the fact that the convenience of the wife is

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also one of the prominent factors which is required to be considered as the basis for transferring the proceedings, in my opinion, it will be appropriate to allow the present application.

8. In the light of above, Criminal Application stands allowed in terms of prayer clause (C).

(N.W. SAMBRE, J.)

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