

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPLICATION NO. 85 OF 2016

Jeevan Ramesh Rupwate and Ors

.....Applicants

V/s.

Seema Jeevan Rupwate and another

....Respondents

Mr. Sachin Gite Advocate for Applicant.

Mr. M. M. Badgujar Advocate for Respondent

Mr. V. B. Konde-Deshmukh APP for the State.

CORAM : RAVINDRA V. GHUGE, J.

DATED : JULY 15, 2016.

PC :

- 1) Heard the respective counsel.
- 2) By this Application, the Petitioner prays for transfer of proceedings from the learned Judicial Magistrate First Class, Bhusawal, District Jalgaon to the learned Judicial Magistrate First Class at Ulhas Nagar, by invoking powers of this Court under section 407 of the Code of Criminal Procedure, 1973.
- 3) The learned Advocate for the Petitioner has strenuously submitted that in the pending proceedings at Bhusawal, senior citizens who are the members of the Petitioner family along with lady members, have to travel to Bhusawal.

This causes manifest inconvenience and grave hardships to the Petitioners.

4) It is further submitted that though Respondent no. 1/Wife of Petitioner no. 1 has mentioned her address for service as in Bhusawal, she is factually staying in Ulhas Nagar. Consequentially, it would be a matter of convenience even for the wife to have the proceedings transferred to Ulhas Nagar.

5) It is then submitted that convenience of the parties can be a ground for transfer of proceedings and in the facts of the present case, it would be convenient for all the parties to have the proceedings transferred to Ulhas Nagar.

6) The learned Advocate appearing on behalf of Respondent no. 1/Wife submits that it is factually incorrect that Respondent no. 1 resides at Ulhas Nagar. She was earlier residing at Ulhas Nagar post marriage with Petitioner no. 1 and there before with her brother who was unmarried at the relevant time. Now that her brother has got married and has a family of his own, Respondent no. 1 had no option but to start residing in her parents' home at Bhusawal on account of the marital discord between her and Petitioner no. 1/Husband.

7) I have considered the submissions of the learned Advocates.

8) It is Trite Law that unless the facts of the case indicate otherwise, the convenience of the complainant lady or the contesting lady litigant is to be taken care of and the proceedings are to be conducted at a place which would be convenient for the aggrieved lady litigant. In the present case, Respondent no. 1/Wife, at whose behest the process of Law has been set into motion, resides at Bhusawal. I do not find any reason to transfer the said proceedings from Bhusawal to Ulhas Nagar.

9) This application being devoid of merit is therefore rejected.

(RAVINDRA V. GHUGE, J.)