

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION NO.21 OF 2017

Darshan Singh s/o Nihal Singh and ors

..vs..

Rowena Singh w/o Amrinder Singh

AND

CRIMINAL APPLICATION NO.22 OF 2017

Amrinder Singh s/o Darshan Singh

..vs..

Rowena Singh w/o Amrinder Singh

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

CA No.21/2017

Shri C.B. Dharmadhikari, Counsel for the applicants.

Shri Rohit Joshi, Counsel for the non-applicant.

CA No.22/2017

Shri C.B. Dharmadhikari, Counsel for the applicant.

Shri Rohit Joshi, Counsel for the non-applicant.

CORAM : V.M. DESHPANDE, J.

DATED : SEPTEMBER 14, 2017.

1. These two applications are filed for transfer of proceeding pending on the file of learned Judicial Magistrate First Class at Chandrapur, which is registered as Domestic Violence Case No.96 of 2016, to the Court of learned Judicial Magistrate First Class at Panvel. In alternative, transfer of the said proceeding at Nagpur.

2. Criminal Application No.21 of 2017 is filed by father-in-law and mother-in-law of the non-applicant. Whereas, Criminal Application No.22 of 2017 is filed by husband Amrinder Singh s/o Darshan Singh of non-applicant Rowena Singh. Since the subject matter of these two applications is common, these applications are decided by this common order.

3. Heard learned counsel Shri C.B. Dharmadhikari for the applicants in both applications and learned counsel Shri Rohit Joshi for the non-applicant in both these applications.

4. The only ground, that is pressed into service during the course of hearing before this Court for transfer of the domestic violence proceedings from Chandrapur either at Panvel or at Nagpur, is the convenience of the applicants.

5. According to learned counsel Shri C.B. Dharmadhikari for the applicants, the applicants are the residents of Mumbai and, therefore, they face difficulties in attending the matter at Chandrapur. Faintly submission is also made by learned counsel for the applicants that non-applicant Rowena Singh is a practising Advocate at Chandrapur. Therefore, on this count also they are facing difficulties.

6. Learned counsel Shri Rohit Joshi for the non-applicant submits that the domestic violence proceedings are

pending and though there is no *interim* relief for the applicants, an application for *interim* relief filed on behalf of the applicants under the relevant provisions of Domestic Violence Act is not furthering an inch because of pendency of these two applications.

7. The domestic violence proceedings are filed in the year 2016. Those are pending on the file of learned Judicial Magistrate First Class at Chandrapur. It is expected from this Court at this stage not to make any comment on merits or demerits of the said case since it will cause prejudice to both the applicants and the non-applicant.

8. The convenience of the parties though can be pressed into service, that alone cannot be a ground for transfer of proceedings. Nothing is brought on record in what sense the applicants are facing inconvenience for attending or prosecuting the case pending at Chandrapur. At the same time, the Court cannot forget about the inconvenience that would likely to cause to the non-applicant, if the matter is transferred from Chandrapur to Panvel.

9. Though the submission made by learned counsel for the applicants that the non-applicant is an Advocate and, therefore, the applicants are facing the difficulties, this submission is very vague submission. No details are given as to

what difficulties they are facing merely because the non-applicant is an Advocate.

10. Any apprehension which the applicants is nursing in their minds is not sufficient to transfer the matter. There should be some foundation for nursing any apprehension in the mind about totality of the circumstance. Nothing is being pointed out to this Court by learned counsel for the applicants.

11. Hence, the criminal applications are rejected.

JUDGE

!! BRW !!