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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 192 OF 2017**

Gauri Uday Dambe

....Applicant

Vs.

Uday Ulhas Dambe and others

....Respondents

Mr. Surel Sunil Shah Advocate for the applicant

Mr. Abhishek Yende for respondent nos. 1 to 7

Mr. V. V. Gangurde APP for the State.

**CORAM : SMT. SADHANA S. JADHAV, J.****DATED : 11<sup>th</sup> DECEMBER, 2018.****P.C.**

Heard respective counsel. Both the counsel on the basis of instructions received and in the presence of respondent no. 1 have agreed to settle the issue of transfer amicably and have filed Consent Minutes of Order which is taken on record and marked as article 'X' for the purpose of identification. It is agreed that transfer of Criminal Misc. Application No. 198 of 2016 as well as Criminal Misc. Application No. 267 of 2016 filed by the applicant herein pending

before Judicial Magistrate First Class, Madha be transferred to the Court of Chief Judicial Magistrate at Pune. It is also agreed between the parties that the Hindu Marriage Petition No. 58 of 2018 filed by respondent no. 1 herein seeking a Decree for divorce be transferred to the Court of Civil Judge Senior Division at Pune from the Court of Civil Judge Senior Division at Barshi. The parties have further undertaken to co-operate in the said proceedings and that they would take every necessary step to expeditiously dispose of the matters.

2 Since both Divisions i.e. Solapur as well as Pune fall within the jurisdiction of the Principal Bench of the Bombay High Court, matters shall be transferred to Pune as contemplated under section 407 (1) (c) which reads thus:

*“407 (1) : Whenever it is made to appear to the High Court-*

*(c) that an order under this section is required by any provision of this Code, or will tend to the general convenience of the parties or witnesses, or is expedient for the ends of justice,*

*it may order-*

*(i) that any offence be inquired into or tried by any Court not qualified under sections 177 to 185 (both inclusive), but in other respects competent to inquire into or try such offence;*

*(ii) that any particular case or appeal, or class of cases or appeals, be transferred from a Criminal Court subordinate to its authority to any other such Criminal Court of equal or superior jurisdiction;*

*(iii) that any particular case be committed for trial to a Court of Sessions; or*

*(iv) that any particular case or appeal be transferred to and tried before itself.*

3 Present case happens to be a matrimonial dispute where parties to the lis are same and the witnesses also would be the same. In view of this, application is allowed in terms of Consent Minutes of Order.

4      Application stands disposed of.

**[SMT. SADHANA S. JADHAV, J.]**