

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.234 OF 2018

Shri.Parag Ajit Pawar & Ors. ... **Applicants**

V/s.

Mrs.Poonam Parag Pawar & Anr. ... **Respondents**

.....

Mr.Ameya V. Borwankar, Advocate for the Applicants.

Mr.Chetan S. Damre, Advocate for the Respondent No.1.

Mr.P.H.Gaikwad-Patil, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 4th OCTOBER 2018.

P.C. :

1 This is an application under Section 407 of the Code of Criminal Procedure for transfer of Regular Criminal Case No.20 of 2018 pending on the file of the learned Judicial Magistrate First Class, Manmad, District Nashik to the file of the learned Judicial Magistrate First Class, Pune. The Criminal Case is for the offences punishable under Sections 498(A), 504, 506 and 323 read with Section 34 of the Indian Penal Code and the FIR of the said case was registered at the instance of respondent Poonam Pawar, who happens to be the wife of applicant No.1 Parag Pawar.

2 Heard the learned Counsel appearing for the applicant/accused in Regular Criminal Case No.20 of 2018. He argued that even perusal of the FIR lodged by the respondent wife shows that the Court at Manmad is not the Court of competent jurisdiction to try the alleged offences. He, therefore, argued that voluminous documentary evidence on record goes to show that the First Informant is resident of Pune. The child born out of the wedlock is also taking education at Pune. The respondent wife is residing and serving at Pune and, therefore, general convenience of the parties requires that the proceedings of the Regular Criminal Case needs to be transferred to Pune.

3 The learned Counsel appearing for the respondent/wife opposed the application by contending that the job of the respondent/wife was temporary in nature and she has even resigned from the job. However, he has not disputed the fact that the son of the applicant No.1 and the respondent/First Informant is taking education at Pune and staying with her.

4 The learned Additional Public Prosecutor appears for the State.

5 I have considered the submissions so advanced and also perused the Record and Proceedings. Ordinary place of inquiry and trial is the Court within whose local jurisdiction the

alleged offence was committed. In the case in hand, the FIR reflects that the respondent/First Informant was subjected to cruelty at Pune, where her matrimonial house was situated. It is further seen from the documentary evidence on record that the respondent/First Informant is still staying at Pune. Therefore, general convenience of the parties demands that the subject Criminal Case be transferred from the file of the learned Judicial Magistrate First Class, Manmad, District Nashik to the file of the learned Judicial Magistrate First Class, Pune. Therefore, the Order:

ORDER

- (i) The application is allowed.
- (ii) Regular Criminal Case bearing No.20 of 2018 for the offences punishable under Sections 498(A), 504, 506 and 323 read with Section 34 of the Indian Penal Code is transferred from the file of the learned Judicial Magistrate First Class, Manmad, District Nashik to the file of the learned Judicial Magistrate First Class, Shivajinagar Court, Pune.
- (iii) The parties are directed to appear before the learned Judicial Magistrate First Class, Shivajinagar Court, Pune on **22nd November 2018** and to abide by further directions of the learned Judicial Magistrate First Class, Shivajinagar Court, Pune.

(iv) The application is accordingly disposed of.

(A.M.BADAR J.)

Raju
Dattatraya
Gaikwad

Digitally signed by
Raju Dattatraya
Gaikwad

Date: 2018.10.06
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