

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.559 OF 2017

Mrs. Aaishwarya Mahesh Deshmukh

... Applicant

V/s.

Mr. Mahesh V. Deshmukh

... Respondent

Mr. T.J. Kapre i/by Mr. J.S. Kapre for the Applicant.

Ms. A.R. Kapadnis, APP for the Respondent State.

CORAM : A.S.GADKARI, J.

DATE : 19th MARCH, 2018

P.C.:

1. This is an application for transfer of Criminal Case No.5226/2016 filed by Respondent No.1, husband from the Court of Judicial Magistrate First Class at Solapur to the Court of Judicial Magistrate First Class at Usmanabad.

2. The report submitted by the Registry indicates that, Respondent No.1 is duly served. Despite service, none appears for Respondent No.1.

3. The learned counsel appearing for the applicant submitted that, the Hindu Marriage Petition No.42/2006 filed by Respondent No.1, husband was transferred from the Court of Civil Judge Senior Division at Barshi

District Solapur to the Court at Usmanabad by this Court by its Order dated 29.11.2016 in Miscellaneous Civil Application No.232 of 2016.

4. The learned counsel for the applicant submitted that, the applicant is residing at Tuljapur and it is very inconvenient for her to attend the Court at Usmanabad. He further submitted that, the applicant is solely dependent on her parents for her livelihood and for travelling from Tuljapur to Solapur to attend the matter without assistance of her parents or any other companion is causing undue hardship to her. He, therefore, prayed that, the present application may be allowed.

5. The perusal of record clearly indicates that, the Hindu Marriage Petition No.42 of 2016 filed by Respondent No.1 was transferred from the Court of Solapur to the Court of Usmanabad under the Orders of this Court as noted herein-above and Respondent No.1 is attending the said proceedings.

6. In view of the above and for the reasons stated in the application, Criminal Application No.5226/2016 filed by Respondent No.1 herein under Section 500 of Indian Penal Code is hereby transferred to the Court of 3rd Joint Civil Judge Senior Division and Judicial Magistrate First Class at Usmanabad for further hearing.

7. The Chief Judicial Magistrate, Solapur is hereby directed to transmit the papers and proceedings of the said Criminal Application No.5226/2016 pending on the file of Judicial Magistrate First Class at Solapur by following the necessary procedure within a period of three weeks from the date of receipt of the present order.
8. Application is allowed in the aforesaid terms.
9. All the concerned to act on an authenticated copy of this Order.

(A.S.GADKARI, J.)