

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.682 OF 2016

AMIT VISHNU GUPTA

)...APPLICANT

V/s.

MRS.KANCHAN AMIT GUPTA AND ORS.

)...RESPONDENTS

Mr.Abhijit Sarwate a/w. Mr.Ajinkya Udane, Advocate for the Applicant.

Mr.Vivek Arote, Advocate for Respondent No.1.

Mr.S.V.Gavand, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 17th SEPTEMBER 2018

P.C. :

1 By this application, the applicant/husband, who is respondent in Miscellaneous Criminal Application No.579 of 2015 filed under Section 125 of the Code of Criminal Procedure by the respondent nos.1 and 2 herein and which is pending on the file of learned Judicial Magistrate First Class (JMFC) Jalgaon is praying

for transferring of that proceedings to the court of competent jurisdiction at Pune.

2 Heard the learned counsel appearing for the applicant. He argued that even the reply to the instant application filed by the contesting respondents shows that respondent no.1/wife along with her son are residing at Pune, and therefore, there is no propriety in keeping the application pending on the file of learned JMFC Jalgaon.

3 The learned counsel appearing for respondent nos.1 and 2 opposed the application by contending that parents of respondent no.1/wife are residing at Jalgaon, and therefore, the application deserves to be kept on the file of learned JMFC Jalgaon.

4 I have carefully considered the rival submissions and also perused the material placed on record including the reply of the respondent nos.1 and 2, copy of which is tendered across the

bar. Undisputedly, respondent no.1/wife is residing at Pune along with her son Master Yakshit Amit Gupta. Proceedings pending on the file of learned JMFC Jalgaon are for claiming maintenance under Section 125 of the Code of Criminal Procedure. The applicant herein, who is respondent before the learned trial court, is also a resident of Pune. In this view of the matter, for general convenience of the parties, proceedings on the file of the learned JMFC Jalgaon needs to be transferred to the court of learned JMFC Pune. That will be convenient for both the parties. Therefore, the order :

ORDER

- i) The application is allowed.
- ii) Proceedings of Criminal Miscellaneous Application No.579 of 2015 between the parties therein on the file of learned JMFC Jalgaon are transferred to the file of learned JMFC Pune.

iii) On receipt of said proceedings, the concerned JMFC shall issue notice for appearance to both the parties, and shall dispose of the same according to law.

iv) The application is accordingly disposed off.

(A. M. BADAR, J.)

Arti Vilas
Khatate

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Arti Vilas Khatate
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