

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

CRIMINAL APPLICATION (APPLN) NO.49 OF 2018

(Amit Rajendra Vitalkar Vs. Neha Amit Vitalkar)

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

Court's or Judge's orders.

Shri S.P. Bodalkar, Advocate for Applicant.

CORAM: ROHIT B. DEO, J.

DATE: 26th JULY, 2018.

This application seeks transfer of proceedings instituted by non-applicant – wife bearing Criminal Miscellaneous Application 195/2018 from the Court of the learned Judicial Magistrate First Class, Thane to the Judicial Magistrate First Class, Nagpur.

2] The applicant – husband is seeking transfer *inter alia* on the ground that he is suffering from depression. The other ground mentioned in the application is that the mother of the applicant underwent heart surgery in 2012 and is advised rest. A vague averment is made in the application that the father of the applicant is also suffering from “various health ailments”. In the passing, it is averred that the applicant may be falsely implicated in some offence if he attends the proceedings before the J.M.F.C., Thane.

3] The cause title of Criminal Miscellaneous Application 195/2018, of which transfer is sought to Nagpur, reveals that the non-applicant – wife is a resident of Thane. The averment in paragraph 1 is that the applicant – husband and the non-applicant – wife cohabited together at Thane.

4] Perusal of the application under the Protection of Women from Domestic Violence Act would reveal that the cause of action has arisen at Thane. The witnesses which may have to be examined by the wife would, in every probability, be based at Thane.

5] In any view of the matter there is no case made out for transfer.

6] The application is absolutely without substance and is rejected.

JUDGE