

BDP-SPS

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 246 OF 2019**

Shri Vikrant Vijaysinh Deshmukh & Ors. Applicants.

V/s

Pallavi Vikrant Deshmukh and Anr. Respondents.

Mr. Swaroop M. Karade for the Applicants.

Mr. R.M. Pethe, APP for Respondent No.2.

CORAM: NITIN W. SAMBRE, J.

DATE: NOVEMBER 7, 2019

P.C.:-

1] The Respondent-wife has initiated proceedings under the Protection of Women from Domestic Violence Act, 2005 in the Court of Judicial Magistrate, First Class, Karjat, District Ahmednagar of which transfer is sought to the Court of Judicial Magistrate, First Class at Sangli, District Sangli.

2] The grounds pressed for supporting the transfer are, distance and financial hardship. It is also claimed that Respondent No.1-wife has issued threat of suicide.

3] Heard learned Counsel for the Applicants and the learned APP for Respondent No.2/State.

4] As far as issue of threat is concerned, there is no material on record to substantiate the same. As such, the said contention is rejected.

5] As far as distance between Karjat and Sangli and the issue of financial hardship is concerned, same cannot be considered in the interest of the Respondent No.1-wife, particularly when it is open for the Respondent No.1-wife to initiate proceedings at Karjat, District Ahmednagar in accordance with the provisions of the Protection of Women from Domestic Violence Act, 2005.

6] In that view of the matter, no case for interference is made out. Application stands rejected.

7] It shall be open to the Applicants to seek exemption based on medical hardship which request, if so made, it is expected of the Magistrate to deal with the same on its own merit.

(NITIN W. SAMBRE, J.)