

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Criminal Application (APPLN) No.76 of 2018
(Mrs. Shanta Narendra Narnaware and ors. .vs. Shrikant Tulsiramji
Gajbhe)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders.
and Registrar's orders

Mr. G.I. Dipwani, Advocate for Applicants.
Mr. A.A. Dhawas, Advocate for Respondent.

CORAM : Manish Pitale, J.
DATED : July 22, 2019.

The present application is filed by the applicants seeking transfer of criminal complaint case bearing No. 9434 of 2017 filed by the non-applicant before the Court of Judicial Magistrate First Class, Pimpri to the competent Court at Sakoli, district Bhandara.

2. The aforesaid criminal complaint case has been filed by the non-applicant at Pimpri for offence under Section 500 read with 34 of the Indian Penal Code against the applicants for punishing them for his defamation. The applicant nos. 1 and 2 are the mother-in-law and father-in-law of the non-applicant while the applicant no.3 is his wife. There is no dispute about the fact that there are number of cases initiated by the applicant no.3 and the non-applicant against each other, the root cause of which is a matrimonial discord.

3. It is contended by the learned counsel for the applicants that since the applicant nos. 1 and 2 are old

aged persons, it would be impossible for them to attend the proceedings at the Court at Pimpri and that, therefore, the proceedings deserved to be transferred to the competent Court at Sakoli (Bhandara). It is further contended that the applicant no.3 i.e. wife of the non-applicant is residing at Bhopal and therefore, it would be convenient for her to attend the proceedings at Sakoli rather than at Pune.

4. On the other hand the learned counsel for the non-applicant has submitted that if the proceedings are transferred from Pimpri to the competent Court at Sakoli (Bhandara), he would suffer inconvenience and prejudice because all the witnesses pertaining to the said incident are residents of Pimpri and Pune and that transfer of the proceedings would lead to grave prejudice to him. It is also pointed out that the non-applicant undertakes not to oppose applications for personal exemption that may be filed by the applicants herein, unless the Court at Pimpri itself seeks the presence of the applicants in the proceedings pending before the said Court.

5. In view of the aforesaid undertaking, it becomes clear that the applicants will not have to remain present in the Court at Pimpri on each and every date. If at all the Court specifically wants the applicants to be present before it, sufficient time shall be granted to the applicants to remain personally present before the Court. Since the applicant no.3 is residing at Bhopal, it would not make any difference for her if the

proceedings are continued at Pimpri or transferred to Sakoli (Bhandara).

6. In view of the above, this Court finds that there is no substance in the present application and it is dismissed. The non-applicant shall abide by his undertaking that he shall not unnecessarily oppose the application for personal exemption that may be filed by the applicants, unless the aforesaid Court seeks the presence of the applicants in the proceedings initiated by the non-applicant.

7. In view of disposal of the present application, Criminal Application (APPP) No. 1199 of 2019 is disposed of.

JUDGE

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