

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3751 OF 2019

DILIP GOVIND PINGALE

... PETITIONER.

VERSUS

THE STATE OF MAHARASHTRA & ORS.... RESPONDENTS.

Mr.Vikrant A.Desai, Advocate i/b Mr.S.M.Kamble, for the
Petitioner.

Mr.RM Pethe, Additional Public Prosecutor for the State.

CORAM : A. M. BADAR, J.

DATE : 6TH MARCH 2020.

P.C.:

1. This is a petition challenging Order of the learned Sessions Judge, Thane rejecting the application u/s 408 of the Criminal Procedure Code, filed by the original respondents, seeking transfer of application u/s 12 of the Protection of

Women from Domestic Violence Act, 2005 (to be referred to as the Domestic Violence Act for the sake of brevity) from the court of Judicial Magistrate First Class, Bhiwandi to the Court of Judicial Magistrate First Class, Thane.

2. Heard learned counsel appearing for the petitioner/ original respondent. He argued that the learned trial Magistrate is biased against the petitioner as he had directed to serve summons by hand to the witnesses. It is further argued that attending the court at Bhiwandi is inconvenient to the petitioner as he is the residents of Taluka-Khalapur, District-Raigad.

3. I have considered the submissions so advanced and also perused the impugned order passed by the learned Sessions Judge rejecting the request for transfer of Domestic Violence proceedings. The aggrieved person is entitled to

file an application u/s 12 of the Domestic Violence Act at the place of her residence. Address of respondent herein/aggrieved person shown in cause title goes to show that the aggrieved person is a resident of Bhiwandi and therefore, it appears that she had preferred an application in the Court of learned Judicial Magistrate, First Class, Bhiwandi. Convenience of the petitioner/original respondent can not be a ground for transferring the proceedings u/s 12 of the Domestic Violence Act as the very Act itself provides for filing the proceedings in the court of the learned Judicial Magistrate, First Class having territorial jurisdiction over the place of residence of the aggrieved person.

4. So far as the service of summons by Humdast is concerned, it seems to be a mini grievance. The object seems to be to expedite the trial of the proceedings under the Domestic Violence Act which are required to be disposed of within a period of 60 days.

5. No infirmity as such can be found in the order of the learned Sessions Judge. The petition is, therefore, dismissed. However, it is made clear that the learned trial Magistrate shall take all steps to expedite the hearing of application u/s 12 of the Domestic Violence Act, which is reportedly pending from the year 2014 and is a Part Heard matter.

(A. M. BADAR, J.)