

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.612 OF 2022

MRS. SHARADDHA SAMEER PAWAR
VERSUS
SAMEER S/O CHANDRAKANT PAWAR

...
Mr. R. R. Karpe, Advocate for applicant

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 24.03.2022

ORDER :-

1. Present application has been filed by the original aggrieved person seeking transfer of Criminal Miscellaneous Application No.05 of 2020 pending before learned Judicial Magistrate First Class, Washi, District - Osmanabad to the Court of Judicial Magistrate First Class, Jamkhed, District - Ahmednagar.

2. Heard learned Advocate Mr. R. R. Karpe for the applicant. It is not necessary to issue notice to the respondent taking into consideration the contents of the application.

3. It has been vehemently submitted on behalf of the applicant that the applicant was residing with her maternal uncle at Washi, when she filed the said application under Section 125 of Code of Criminal Procedure. Now, none of her relative reside there. Her parents are

residing at Jamkhed and, therefore, it is convenient for her to appear before Judicial Magistrate First Class, Jamkhed.

4. At the outset, the jurisdiction of Courts is not prescribed solely on the ground of convenience of one party only. An application for maintenance under Section 125 of Code of Criminal Procedure is decided as per the provisions of Section 126 of Code of Criminal Procedure. Such application can be filed where the husband resides, or where the wife resides or where they had resided lastly together. While filing the said application before Judicial Magistrate First Class, Washi, applicant had stated that she is residing at Washi. It appears that though her parents were residing at Jamkhed, at that time, she gave an impression that she is residing at Washi. Now, she says that nobody stays at Washi. She cannot go on changing the address like this. She had filed the said application voluntarily at Washi. Now, no documentary evidence is produced to show as to since when she had shifted to Jamkhed. Transfer of a case cannot be granted as she wishes.

5. There is no merit in the application, which can be considered under Section 407 of Code of Criminal Procedure. Application stands rejected.

[SMT. VIBHA KANKANWADI, J.]

scm