

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.2613 OF 2021

SHITAL W/O. TUKARAM KENDRE  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr. Avinash A. Phad  
APP for Respondent No.1/State : Mr. V. M. Kagne  
...

**CORAM : S. G. MEHARE, J.**

**DATE : 01-08-2022**

**PER COURT :-**

1. Heard the learned counsel for the applicant and the learned APP for respondent No.1/State. Respondents No. 2 to 6 have been served, but nobody appeared for them.

2. The applicant has a case that since the incident happened in Dharni, Taluka, District Amravati, a Regular Criminal Case No. 47 of 2021 for the offence punishable under Section 498A, 324, 504, 506 of the Indian Penal Code the charge-sheet has been filed in the Court of Dharni. However, respondents No. 2 to 6 were the original residents of Nashik district; they have been shifted to Nashik. The applicant has filed a proceeding the under the Protection of Women from Domestic Violence Act 2005 against respondents Nos. 2 to 6 in the Court of learned Judicial Magistrate, First Class, Parali-Vaijnath, District Beed. Neither the first

informant/applicant nor respondents No.2 to 6 reside at Dharni, District Amravati and have shifted to district Nashik. Therefore, said criminal case be transferred from the Court learned Judicial Magistrate, First Class, Dharni, District Amrawati to the Court of learned Judicial Magistrate, First Class, Parali-Vaijnath, District Beed.

3. The respondents have not resisted the application. However, the learned APP would state that the grounds raised for transfer are not proper. The applicant may not be required to attend Court on each date, and another mode is available to attend the courts.

4. The learned APP has correctly pointed out that another mode of video conferring facility is available to attend the courts. His arguments would have been accepted. But, here, the circumstances are different. Respondents Nos. 2 to 6 are not residing at Dharni, Taluka Amrawati, and they have also shifted to Nashik. In this peculiar circumstance, if the proceeding pending before the Court of learned Judicial Magistrate, First Class, Dharni, is transferred to the Court of learned Judicial Magistrate, First Class, Parali-Vaijnath, none of the parties would suffer inconvenience. The reasons put forth by the applicant are appealable. Therefore, the application deserves to be allowed. Hence, the following order -

i) The application is allowed.

- ii) The record and proceeding of Regular Criminal Case No. 47 of 2021 (State of Maharashtra Versus Tukaram s/o. Janardhan Kendre and others) pending on the file of learned Judicial Magistrate, First Class, Dharni, District Amrawati, be transferred to the Court of learned Judicial Magistrate, First Class, Parali Vaijnath, District Beed, for trial according to the law.
- iii) The learned Judicial Magistrate, First Class, Dharni, is directed to send the record and proceedings of the above case through the Principal District and Sessions Judge, Amrawati, for transmitting it to the learned Judicial Magistrate, First Class, Parali Vaijnath, District Beed through the Principal District and Sessions Judge, Beed.
- iv) After receiving the record and proceedings, the learned Judicial Magistrate, First Class, Parali Vaijnath, District Beed, shall issue notices to all the accused/respondents No.2 to 6 and secure their presence.

**( S. G. MEHARE )  
JUDGE**

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