

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 173 OF 2022

Vithal Arjun Yelpale

...Petitioner

Versus

Usha Vitthal Yelpale & Anr

...Respondents

....

Mr. Satish K. Mumbhar, Advocate for the Applicant.

Mr. Satyajeet A. Rajeshirke for Respondent No.1 to 3.

Mr. Arfan Sait, APP for the Respondent-4 – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 22nd July, 2022

PC :

1. The respondent had initiated proceedings under the Domestic Violence Act before the Court of learned Judicial Magistrate First Class, Sangola. Those proceedings were disposed of vide order dated 26.11.2018. Parties have preferred appeal against the said order before the Sessions Court at Pandharpur. Those appeals are pending. The respondent No.1 had initiated the execution proceedings for compliance of order passed by JMFC, Sangola granting maintenance. The respondent No.1 had lodged the FIR for the offences under the IPC and those proceedings are

pending before the Court of learned Magistrate at Ichalkaranji.

2. The petitioner in this application has prayed for transfer of proceedings pending before the Court of learned JMFC, Sangola to the Court of learned JMFC at Ichalkaranji where the criminal proceedings are pending and transfer of appeals from the Court at Pandharpur to Court at Ichalkaranji.

3. Considering the fact that the proceedings before the Court of JMFC at Sangola are in the nature of execution of order regarding payment of arrears of maintenance those proceedings cannot be transferred to any other Court. Hence, proceedings from the Court of JMFC, Sangola cannot be transferred to the Court at Ichalkaranji. Hence, no case for grant of transfer the proceedings is made out. The petitioner had also prayed for transfer appeals pending in the Court at Pandharpur to the Court of Ichalkaranji. No case is made out for transferring appeals. The transfer is sought since criminal proceedings are pending in the Court at Ichalkaranji. The application is devoid of merits and the same is rejected.

4. Hearing of appeals pending before the Sessions Court at Pandharpur is expedited.

5. Application is disposed off.

(PRAKASH D. NAIK, J.)