

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

CRIMINAL APPLICATION NO. 245 OF 2019

Pawan Sahebrao Shegokar

.... Applicant

v/s.

Snehal Pawan Shegokar and anr.

.... Respondents

Mr. Satyajeet P. Dighe for the Applicant.

Mr. Nitesh Bhutekar a/w. Mr. Aniket Nangare
for Respondent No.1.

Mr. M.G. Patil, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 19th APRIL, 2022.

P. C. :-

. The Applicant- husband has filed this Application to transfer (i) D.V. proceedings No.PWDVA APPLN/53/2018 filed under section 12 of Domestic Violence Act, (ii) Cri.MA/27/2018 filed under section 125 of Code of Criminal Procedure from JMFC, Umarkhed and (iii) PWDVA APPEAL No.10/2019 from Additional Sessions Judge, Pusad to the Court of Civil Judge, Senior Division, Pune and to District and Sessions Court, Pune for trial/decision in accordance with law.

2. Heard Mr. Satyajeet Dighe, learned counsel for the Applicant, Mr. Nitesh Bhutekar, learned counsel for Respondent No.1 and Mr. M.G. Patil, learned APP for the State. I have perused the records and

considered the submissions advanced by the learned counsel for the respective parties.

3. The Applicant and the Respondent were married on 29/06/2018. They have a child who is about 03 years of age born from the wedlock. The parties are residing separately on account of marital discord. The Applicant-husband has filed divorce proceedings before Family Court, Pune whereas the Respondent-wife who is residing with her parents and with her child at Umarkhed has filed proceedings under D.V. Act and 125 proceedings before JMFC, Umarkhed and Appeal before Sessions Judge, Pusad. The Applicant has sought transfer of these proceedings to Pune on the ground that he was earlier attacked by the brother and other family members of the Respondent-wife.

4. As noted above, the Respondent – wife is residing with her parents at Umarkhed with her three year old child. In view of these facts, in my view, undue hardship will be caused to the Respondent if she is compelled to travel to Pune which is stated to be at a distance of about 550 kms from Umarkhed. The contention of the learned counsel for the Applicant that the Respondent is residing at Pune cannot be accepted for the reason that as per the address stated in the cause title,

the Respondent-wife is residing at Umarkhed. Furthermore, the Application does not state that the Respondent is residing at Umarkhed. Hence, no ground is made out for transfer of the proceedings initiated by the Respondent-wife pending at Umarkhed and Pusad.

5. It is also to be noted that by order dated 16/05/2019, the Applicant was directed to pay Rs.12,000/- per month to the Respondent-wife as interim maintenance. Till date, the Applicant-husband had not paid any maintenance to the Respondent-wife or to the child. The conduct of the Applicant-husband in seeking transfer does not appear to be bonafide. Considering the facts and circumstances of the case, the Application stands dismissed.

**PREETI
H JAYANI**

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(SMT. ANUJA PRABHUDESSAI, J.)