

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPLN) NO. 8 OF 2020

Sonika @ Bhuuma w/o Dinesh Shirao

..vs..

Dinesh s/o Wasudeo Shirao and ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M.V. Rai, Advocate for applicant.

CORAM : VINAY JOSHI, J.

DATED : 03/01/2022

Heard.

2. This is an application in terms of Section 407 of the Code of Criminal Procedure seeking transfer of Misc. Criminal Application No.100 of 2016 pending on the file of Judicial Magistrate First Class, Nandgaon Khandeshwar, District Amravati to the Court of Judicial Magistrate First Class, Arvi, District Wardha. This application is moved by the wife i.e. original complainant, who has filed said private complaint alleging commission of offence punishable under Section 494 read with Section 34 of the Indian Penal Code. Though notices were served on all the respondents (accused of Criminal Case), they remained absent. On last date, this Court has noted the service of notice on respondents, however due to their absence, as a last chance, the matter was adjourned today. In this background, again today none appeared for respondents meaning thereby they have no interest in opposing the petition.

3. Initially the private complaint filed by the wife is sought to be transferred in the Court of Judicial Magistrate First class, Arvi District Wardha. Since the marriage took place within the jurisdiction of Nandgaon Khandeshwar Court, the private complaint was filed in the said Court. Presently, the applicant-wife is residing at Arvi District Wardha, therefore, on account of convenience, she is seeking for transfer. Besides that, the applicant-wife had filed proceedings under the provision of Domestic Violence Act in Arvi Court and on its decision, she has filed execution application, which is pending at Arvi Court. Moreover, the appeal against the order passed by the Magistrate is D.V. proceedings, is pending at Wardha Court. I see no reason to deny unresisted statement of applicant-wife. Considering the convenience of a lady, it is desirable to transfer the proceedings as prayed. In view of that Misc. Criminal Application No.100 of 2016 pending on the file of Judicial Magistrate First Class, Nandgaon Khandeshwar, District Amravati is withdrawn from the said Court and transfer to the Court of Judicial Magistrate First class, Arvi District Wardha for disposal in accordance with law.

4. Criminal Application stands disposed of accordingly.

JUDGE