

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.56 OF 2022

Nikhil Suresh Gupta And Anr. .. Applicants

v/s.

Amita A. Burman @ Amita

Nikhil Gupta And Anr. .. Respondents

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Ms. N.S. Bobade, for the Applicants.

Ms. Heena Siddique, Counsel, a/w. Ms. Kaumudi Tiwari, i/b. Ms. Pratibha Bangera, for the Respondent.

Mr. A.R. Patil, APP, for State.

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CORAM: R.G. AVACHAT, J.

DATE : 11 JANUARY 2023.

P.C:-

This application has been moved by the husband for transfer of D.V. proceedings pending before the Court of Metropolitan Magistrate at Vikhroli to the Court of Judicial Magistrate, First Class, Thane, which is seized of that matter. Learned Advocate for the Applicant informs that the Applicant has moved an application in D.V. proceedings, on that ground, the Court seized of the matter, to have no territorial jurisdiction to entertain the same.

2. The Court is not inclined to grant the relief in this application. Since the Respondent-wife had placed on record address of her residence, which gives territorial jurisdiction to the Court of Metropolitan Magistrate to entertain the same, although when proceedings under Section 498-A of I.P.C. were initiated, she was residing at Thane and she has her own residence at Thane. It was informed that the parents of the Applicant-husband are age old and it is difficult for them to attend the court, since they are also parties in D.V. proceedings. The trial court, seized of both the matters, would do well to grant them exemption from appearance in both the proceedings, except when their attendance is very much required.

3. In view of the same, the petition stands disposed of.

(R.G. AVACHAT, J.)