

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.256 OF 2022

Mangesh Kumar Rajak .. Applicant

v/s.

Rohini Mangesh Rajak .. Respondent

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Mr. Ajinkya M. Udane, for the Applicant.

Mr. Pranil Sonawane, a/w. Ms. Varsha Gangawane, for the Respondent.

Mr. R.M. Pehte, APP, for State.

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CORAM: R.G. AVACHAT, J.

DATE : 9 FEBRUARY 2023.

P.C:-

Heard.

2. This is an application for transfer of Section 125 Cr.P.C. proceedings from the Court at Jamner to the Family Court at Pune. The Applicant herein is the husband of the Respondent. The record indicates that the Applicant husband has filed a petition for restitution of conjugal rights in the Family Court at Pune. The Respondent wife has filed application under Section 12 of the Protection of Women from Domestic Violence Act, 2005, in J.M.F.C. Court at Pune. The

record further indicates the Applicant to have filed a petition for dissolution of marriage by decree of divorce. All these three proceedings have been filed in Court at Pune.

3. According to learned Advocate for the Applicant, only with a view to harass him, the Respondent wife has filed an application under Section 125 of Cr.P.C. in the Court at Jamner. He, therefore, urge for transfer of the said proceedings to the Court at Pune with a further direction that all the proceedings be brought before one and the same court for being decided simultaneously.

4. Learned Advocate for the Respondent wife has opposed the prayer on the ground that she will be required to travel from Jamner to Pune for attending the matter, if transferred to Court at Pune. The Respondent wife has a three years old child. He attends school. She is required to pay attention to him. It would, therefore, be most inconvenient for her, if the prayer in the application is allowed.

5. Considered the submissions advanced. Admittedly, marriage petitions filed by the Applicant husband are subjudice in Family Court at Pune. It is also not disputed that the Respondent wife filed application under Section 12 of the D.V. Act in Court at Pune. The Applicant showed his willingness to bear travelling expenses of the Respondent wife in attending the proceedings at Pune. He has offered

to pay her a sum of Rs.7,000/- for her each trip. It is informed that application for interim maintenance is pending before the Court at Jamner. If the matter is transferred mid-way, the hearing thereof may get delayed. This Court, therefore, asked the Applicant to pay the Respondent wife a sum of Rs.15,000/- per month, as interim maintenance. To this, he offered a sum of Rs.10,000/- per month. Then he conceded to pay the Respondent wife a sum of Rs.12,000/-. This Court directs him to pay the same from the date of application filed under Section 125 Cr.P.C. This Court also grants him time of four months to pay the arrears.

6. With all the aforesaid observations, the application is allowed in terms of the following order:

:ORDER :

- (i) The application is allowed.
- (ii) Criminal Miscellaneous Application No.555 of 2021, pending on the file of J.M.F.C., Jamner, is hereby transferred to the Family Court, Pune.
- (iii) The Principal Judge of the Family Court is directed to ensure that all the proceedings between the Applicant and Respondent

herein are transferred to one of the Family Courts thereat.

- (iv) The court, to which all these matters would be assigned, shall decide them on their own merits within a time-frame of eight months from the date of the matters are transferred to the court concerned.
- (v) The Applicant husband shall pay the Respondent wife a sum of Rs.12,000/- per month, as interim maintenance from the date of her application under Section 125 Cr.P.C., filed in Court at Jamner.
- (vi) The Applicant shall further pay Respondent wife a sum of Rs.7,000/- towards expenses of her personally attending the proceeding at Pune. In case her father or any other relative attends such proceedings, on account of her inability to attend the same, the Applicant shall pay a sum of Rs.7,000/- for such visit.
- (vii) The application, thus, stands disposed of.

(R.G. AVACHAT, J.)