

GRM

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

**CRIMINAL APPLICATION NO. 359 OF 2022**

Swapnil Satish Pangarkar & Anr. ... Applicants

**V/s.**

The State of Maharashtra & Anr. ... Respondents

Mr. Sanjay Bhojwani a/w Mr. Naresh Parihar, Adv. for the Applicants.

Ms. Anamika Malhotra, APP for the State/Respondent.

Mr. Akshay Tapkir, Adv. for Respondent No. 2.

**CORAM : R. G. AVACHAT, J.**

**DATED : FEBRUARY 22, 2023**

**P.C. :**

Heard.

2. This application has been moved for transfer of Special Case No. 18/2021 from the Court of Ad-hoc District and Sessions Judge – 1, Udgir to the Court of District and Sessions Judge, Pune.

3. Applicant No. 1-Swapnil herein is the husband of respondent-Veena and other applicants are her in-laws. All is not well between the couple. It is informed that the applicant Swapnil filed a petition for Decree of Divorce against the respondent-wife in a Family Court at Nashik. The said petition has been transferred from the Family Court, Nashik to the Family Court, Pune. The respondent-wife has also filed a petition for restitution of conjugal rights in a Family Court at Pune. She also filed application under Section 12 of the Protection of Women from Domestic Violence

Act, 2005 (for short “**PWDVA**”) in a Court at Udgir. The said application has now been transferred to the Family Court, Pune. For transfer of one of subject proceedings from Udgir to Pune, the respondent-wife had given consent. As such, there are four proceedings pending between the applicant Swapnil and the respondent-Veena in the Courts at Pune. It would therefore be in the interest and convenience of both, if this application is allowed, directing to transfer Special Case No. 18/2021 to a Court at Pune.

4. Learned Advocate for the applicants made a statement that the witnesses, who would be required to attend from Udgir or any where else to the Court in Pune to give evidence in the case sought to be transferred, the applicants would bear their expenses to be incurred in attending the Court to and fro.

5. In view of the above, the application is allowed in terms of prayer clause (i).

6. Special Case No. 18/2021 pending on the file of Ad-hoc District and Sessions Judge – 1, Udgir is transferred to the Sessions Court, Pune. The learned Sessions Judge shall in turn assign the said case to the Court competent to try the same.

7. Criminal Application No. 359/2022 stands disposed of accordingly.

**(R. G. AVACHAT, J.)**