



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

917 CRIMINAL APPLICATION NO. 1188 OF 2024

HEMANGI W/O. YOGESH SHINDE

.....Applicant

VERSUS

YOGESH S/O LAXNRAN SHINDE

.....Respondent

.....

Mrs. Jayshri Pandurangrao Reddy, Advocate for Applicant

Mr. P. B. Gamod Advocate for the Respondents.

CORAM : Y. G. KHOBRAGADE, J.

Dated : 24th October, 2024

PER COURT :-

1. Heard Mrs. Jayshri Reddy, the learned counsel for the applicant and Mr. Gamod, the learned counsel for the non-applicant.

2. By the present application under section 407 of Criminal Procedure Code, the Applicant prayed for transfer of Misc. Criminal Application No. 318 of 2022 to the file of the learned Family Court Nashik from the file of learned Judicial Magistrate First Class, Bhusawal.

3. It is not in dispute that on 18.08.2022, the present applicant instituted Misc. Criminal Application No. 318 of 2022 under section 125 of the Criminal Procedure Code, claiming

maintenance against the non-applicant. The applicant is getting monthly maintenance, so also, as on today, the applicant entered into witness box and deposed herself. Therefore, it appears that trial of the application is in progress and may conclude within a short span.

4. Presently the applicant is residing at her parental house at Nashik but she has already instituted the proceeding under Section 125 Cr.P.C. before the Judicial Magistrate, Bhusawal, where she lastly cohabited with her husband and at the belated stage of the matter, the applicant is seeking transfer of the said proceedings before the Family Court, Nashik, therefore, the trial may be hampered and again may be delayed for receiving substantial justice.

5. In view of the above, the Criminal Application is rejected. However, it is expected from the learned Judicial Magistrate, First Class, Bhusawal to conclude the trial of Criminal Miscellaneous Application No. 318 of 2022 within a period of three months from today.

(Y. G. KHOBRAGADE, J.)