



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

963 CRIMINAL APPLICATION NO. 3579 OF 2023

1. Rajendra @ Raju Balbhim Takle.
2. Pramila Balbhim Takle.
3. Akshay Balbhim Takle.
4. Rohini Satish Dhumal.
5. Jyoti Ralebhat.

... Petitioners

Versus

Tanuja Rajendra @ Raj Takle.

... Respondent

...
Advocate for Applicants : Mr. Shubham Dattatrya Jayabhar.
Advocate for Respondent : Ms. Vanita Sangole. (Appointed).

...

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 11th June, 2024.

P.C.:

. Heard.

2 By this application, the applicants are seeking transfer of proceeding filed by the respondent under the provisions of the Protection of Women from Domestic Violence Act, which is pending in the Court of the learned Judicial Magistrate First Class, Yavatmal to the Court of learned Judicial Magistrate First Class, Ahmednagar.

3 It is the contention of the learned counsel for applicants that applicant No.1 is in service of Border Security Force and he stays

out of the State for his service. Therefore, he is not in a position to attend the Court proceeding. The learned counsel further submitted that applicant Nos.2 to 5, which includes old aged mother, brother and married sisters of applicant No.1, are residing at Ahmednagar. Therefore, it will be convenient to them if the proceeding is transferred to Ahmednagar Court. The learned counsel further submitted that the respondent had filed complaint against the applicants under Section 498-A of the Indian Penal Code. From the said charges, the applicants have been acquitted. The learned counsel further submitted that the proceeding is filed at Yavatmal only to harass the applicants. Hence, it is requested to allow the application.

4 The learned counsel for respondent submits that the respondent stays with her parents at Yavatmal. She has no source of income. The distance between Yavatmal and Ahmednagar is more than 450 kilometers. It would be inconvenient for the respondent to attend the Court date's at Ahmednagar. Hence, it is requested to reject the application.

5 I have heard both the learned counsel.

6 The respondent is the wife of applicant No.1. She stays at Yavatmal with her parents. It is settled principle of law that while considering reasons of transfer petition, the Court has to see the

convenience of the wife. The distance between Yavatmal and Ahmednagar is more than 450 kilometers. The respondent has no source of income. Considering this fact, I pass the following order:-

ORDER

- I. The criminal application is rejected.
- II. The fees of the appointed counsel be paid through the High Court Legal Services Sub-Committee, Aurangabad as per Rules and schedule.

[SHIVKUMAR DIGE, J.]

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