

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 46 OF 2023

Yunus Abdul Hamid Padvekar

.Applicant

Versus

Asiya Yunus Padvekar & Anr.

.Respondents

Mr. Rahul B. Vijaymane, Advocate, for the Applicant.

Mr. A. N. Shaikh, Advocate, for Respondent No. 1.

Mr. Prasanna P. Malshe, APP, for Respondent No. 2 – State.

CORAM:MADHAV J. JAMDAR, J.

DATE :04.03.2024

P. C.

1. The Applicant has filed this Criminal Application seeking transfer of Criminal Case No.328 of 2022 from the Court of the learned Metropolitan Magistrate, Railway Mobile Court, Andheri, Mumbai to the Court of the learned Judicial Magistrate First Class, Ratnagiri.

2. The only ground is that the Applicant is a senior citizen aged 72 years. However, learned Counsel appearing for Respondent No.1 submitted that this is the 4th marriage of the Applicant with Respondent No.1. The Respondent No.1 is also about 55 years old. The case is filed under the provisions of the *Protection of Women from Domestic Violence Act, 2005*. He states that Respondent No.1 is the resident of Jogeshwari (W), Mumbai – 400 102. He states that if the case is transferred to the Court of the learned JMFC, Ratnagiri, as the

Applicant is from Ratnagiri and he is a very influential person, there will be a threat to the life of Respondent No.1.

3. Accordingly, the Application is dismissed.

[MADHAV J. JAMDAR, J.]