

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 489 OF 2022

Suchita Vipul Bagade

.Applicant

Versus

Vipul Vijay Bagade & Ors.

.Respondents

Ms. Neha R. Kokare, Advocate, for the Applicant.

Mr. Prasad Avhad i/b. Mr. Chetan Nagare, Advocate, for Respondent Nos. 1 to 4.

Mr. Prasanna P. Malshe, APP, for Respondent No. 5 – State.

CORAM:MADHAV J. JAMDAR, J.

DATE :01.03.2024

P. C.

1. At the outset, Ms. Kokare, learned Counsel appearing for the Applicant seeks leave to amend the prayer clause (a) of the Criminal Application. Leave granted. Amendment be carried out forthwith. Re-verification is dispensed with.

2. Heard Ms. Kokare, learned Counsel appearing for the Applicant, Mr. Avhad, learned Counsel appearing for Respondent Nos.1 to 4 and Mr. Malshe, learned APP appearing for Respondent No.5 – State.

3. The Applicant who is the wife of Respondent No.1, is seeking transfer of R. C. C. No.0870 of 2020 pending before the learned 14th Jt. Civil Judge Junior Division & Judicial Magistrate First Class, Pune to the Court of learned 10th Jt. Civil Judge Junior Division and Judicial

Magistrate First Class, Belapur, Navi Mumbai.

4. Ms. Kokare, learned Counsel appearing for the Applicant submits that there are two proceedings – D.V. proceeding No.PWDVA/154/2023 and the proceeding filed under Section 125 of the *Code of Criminal Procedure, 1973* – Cri. M. A. No.49 of 2023 pending before the learned 10th Jt. C.J.J.D. & J.M.F.C., Belapur, Navi Mumbai. She submits that the aforesaid two matters are sub-judice before the learned 10th Jt. C.J.J.D. & J.M.F.C., Belapur, Navi Mumbai. She further submits that all the prosecution witnesses are residents of Pune. There are constant threats made to the Applicant. She submits that her minor daughter is aged 2 years. She further submits that as a single mother of a minor daughter aged 2 years, it is not possible for her to attend the trial in the Court of the learned 14th Jt. C.J.J.D. & J.M.F.C., Pune. She further submits that she is the sole earning member working at Mumbai.

5. On the other hand, Mr. Avhad appearing for Respondent Nos. 1 to 4 opposes the Application on the ground that Respondent Nos.2 & 3 are senior citizens. However, after taking instructions he submitted that Respondent Nos.1 to 4 have no objection if the said case is transferred to the Court of learned 10th Jt. C.J.J.D. & J.M.F.C., Belapur, Navi Mumbai. He, however, submits that the Respondent Nos.2 to 4 be granted exemption to appear before the learned Trial Court and they

will attend the Court as and when their personal presence is necessary. Ms. Neha Kokare, learned counsel appearing for the Applicant has no objection for the same.

6. Accordingly, by consent of the parties, R. C. C. No.0870 of 2020 pending before the learned 14th Jt. C.J.J.D. & J.M.F.C., Pune is transferred to the Court of learned 10th C.J.J.D. & J.M.F.C., Belapur, Navi Mumbai. However, it is clarified that Respondent Nos.2 to 4 shall attend the trial only when their personal presence is required by the Court.

7. Accordingly, the Application stands disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]