

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 462 OF 2024

Pallavi Padmakant Dhage .Applicant

Vs.

Padmakant Umakant Dhage & ors. .Respondents

Mr. Saurabh P. Patil, Advocate, for the Applicant
Mrs. Manisha R. Tidke, APP, for Respondent No. 5 - State

CORAM : MILIND N. JADHAV, J.

DATE : 18.12.2024

P. C.

1. Once again in this Court, it is seen that the Application is filed online but the Application is not available online. Only 17 copies of the paper which are farad orders are available online. That apart, Application copy is not available. Registry shall take note of this.

2. On 04.12.2024, after hearing both the parties, the following Order was passed.

“1. Heard Mr. Patil, learned Advocate for Applicant and Ms. Tidke, learned APP for Respondent No.5 – State.

2. Present Criminal Application seeks transfer of DV Act proceedings filed by Applicant – wife in the Judicial Magistrate First Class (JMFC) Court at Nashik to the JMFC Court at Pune.

3. Reason for seeking such transfer of the proceedings filed by Applicant – wife are twofold namely, Applicant has filed complaint under Section 498A of the Indian Penal Code, 1860 in the JMFC Court at Pune and she is residing in Pune.

Averments made in the Application are to the effect that Applicant is working in an IT Company in Pune since prior to her marriage and is residing in Pune on rent alongwith her parents. This is what is submitted across the bar by the learned Advocate. Though most of the grounds in the Application, inter alia, pertain to the dispute between the parties which are not relevant for considering the transfer Application, the proximity of distance between the two destinations and the inconvenience caused to the Applicant – wife is evident. In so far as the private Respondent Nos.1 to 4 are concerned, they are shown to be residing in Solapur.

4. Prima facie, an arguable case is made out for allowing the transfer. However, Application is heard for the first time today. Hence, I am inclined to issue notice to Respondent Nos.1 to 4.

5. In addition to Court notice, Applicant is permitted to serve a copy of the Application on the private Respondent Nos. 1 to 4 and inform them about the next date of hearing by any permissible mode of service and file appropriate Affidavit of service with tangible proof thereof on or before the next date. I am informed that copy of the Application was served in advance on the private Respondent Nos.1 to 4 and Affidavit of service to that effect has already been filed.

6. Server copy of this order shall be served on the private Respondent Nos.1 to 4.

7. Ms. Tidke, learned APP waives service on behalf of Respondent No.5 – State.

8. Private Respondent Nos. 1 to 4 are directed to take cognizance of this order and remain present on the next adjourned date either through themselves or through their Advocate through VC, if so desired.

9. This Application shall be disposed of on the next adjourned date, which shall be noted by the parties.

10. On the next adjourned date, if Respondent Nos.1 to 4 do not remain present despite having been served, this Court shall not await their presence and shall consider the Application on its own merits and after hearing learned Advocate for Applicant and the learned APP for the State pass

appropriate orders.

11. Stand over to 11th December 2024.”

3. That Order stands complied with. Affidavit of service dated 18.12.2024 is filed on record. It indicates that Respondent Nos. 1 to 4 have been served. Despite specific directions, Respondent Nos. 1 to 4 are not present before this Court. The matter cannot be protracted.

4. In that view of the matter, for the reasons mentioned in paragraph 3 of the aforesaid Order, the Applicant has made out a case for allowing transfer of the proceedings.

5. The Application deserves to be allowed in terms of prayer clause (a) which reads thus :-

“(a) To transfer of the proceedings bearing P.W.D.VA. Application No. 43 of 2022 filed by the Applicant before the Hon’ble Judicial Magistrate First Class, Nashik from Hon’ble Judicial Magistrate First Class, Nashik to Hon’ble Judicial Magistrate First Class, Pune and to be heard with Cri.M.A. No. 4542 of 2022 pending before the Court in Pune.”

6. The Application stands allowed and disposed of.

(MILIND N. JADHAV, J.)