



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

38 CRIMINAL APPLICATION NO. 4237 OF 2024

SOW SWATI W/O MAHESH SATHE
VERSUS
MAHESH SURESH SATHE AND ANOTHER

Mr.D.P. Munde, Advocate for the applicant.
Mr.S.S.Rathi, Advocate for respondent No.1.

CORAM : KISHORE C. SANT, J.
DATE : 18.08.2025

PC :-

01. Heard learned Advocate for the applicant and learned Advocate for the respondents. This application is filed by wife seeking transfer of proceeding of RCC No. 571 of 2023, presently pending in the Court of learned JMFC, Pimpri Chinchwad, Dist. Pune, to the Court of learned JMFC, Gangakhed, Dist. Parbhani.

02. It is case of the wife that initially she was residing with the husband at Pune, where offence took place. She went to the matrimonial house and started residing in Ranisavargaon, Tal. Gangakhed. She is having a child of 2 years of age. Distance between Ranisavargaon and Pune is more than 300 kms. While going to Pune, she has to come to Gangakhed, by changing buses she has to come to Parbhani and then from Parbhani she is required to go to Pune. She has also filed

proceeding under the provisions of the Protection of Women from Domestic Violence Act, which is pending in the learned JMFC Court at Gangakhed. The learned Advocate, therefore prays for transferring the proceeding to the Court at Gangakhed.

03. The learned Advocate Mr. Rathi submits that there are buses available from Ranisavargao to Pune. There is no need to change buses for going to Pune. He further submits that respondent No.2 is old aged lady suffering from Cancer. She finds it difficult to travel to Gangakhed. He further submits that if the proceeding is transferred, respondents will have to suffer. He, thus, prays for rejection of the application.

04. Considering that the applicant is a lady having a child of two years, certainly it is difficult to travel such long distance. Care can be taken of the concern of the respondents, by passing following order :-

ORDER

- i) This Criminal Application is allowed.
- ii) The proceeding of RCC No.571 of 2023, pending in the Court of learned JMFC, Pimpri Chinchwad shall stand transferred to the Court of learned JMFC, Gangakhed, Dist. Parbhani
- iii) Respondent No.2 is at liberty to file exemption application. If such application is filed, same shall be considered by the learned JMFC.
- iv) If request for appearing through video conference is

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received from the respondents, the learned JMFC shall consider the same.

- v) After transfer, the wife shall not seek unnecessarily adjournments. In case of unnecessary adjournments by wife, the Trial Court may impose condition so as to compensate the respondents, if they personally appear before the Court.

[KISHORE C. SANT, J.]