

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION (APPLN) NO. 45 OF 2024

Akash Prakash Gahukamble and Ors. Applicants
v/s.
Sayali Akash Gahukamble and anr. Respondents

Mr. Sumedh Gaikwad i/b. Mr. D.D. Rananaware for the Applicants.
Mr. Rajendra Tajane for Respondent No.1 – wife.
Mr. Yogesh Nakhwa, APP for Respondent No.2 – State.

CORAM : SHYAM C. CHANDAK, J.

DATED : 21st NOVEMBER, 2025

P. C. :-

- . Heard learned Counsel for the respective parties.
- 2) Present Application filed under Section 407 of the Code of Criminal Procedure, 1973 seeking transfer of D.V. Case No.483 of 2023 pending before the learned JMFC, 16th Court, Aurangabad to the Court of Competent jurisdiction at the District and Sessions Court, Pune and to be heard alongwith Marriage Petition No.54/2023 pending before the Court concerned at Pune.
- 3) The Respondent No.1 opposed the Application by filing her reply.
- 4) When the Court asked about the grounds on which this Application is filed, the learned Counsel for the Applicant states that he has no instructions.
- 5) Mr. Tajane, the learned Counsel for Respondent No.1 submits

that Marriage Petition No.54/2023 has been filed by the Applicant and it is seeking divorce. Prior to filing of this Application, the Respondent No.1 has filed a Miscellaneous Civil Application No.278/2023 before the Aurangabad Bench of this Court therein she has prayed for transfer of the Marriage Petition No.54/2023 to the file of the Court of Competent jurisdiction at Aurangabad. He submits that in the Application before Aurangabad Bench also, the Applicant is seeking time. To support this submission, he has produced the Order dated 14/10/2025 passed by the Aurangabad Bench in the said Application. He further submits that in the DV Act proceedings, warrant has been issued for recovery of the maintenance amount. The Applicant is deliberately avoiding to comply with the maintenance Order.

6) Thus, it is evident that the Applicant is creating hurdles before the Respondent No.1 which also adversely affecting the proceedings in the aforesaid two cases. The said conduct clearly indicates that the Applicant has filed this Application with an intention to delay the said cases.

7) In the wake of the above, absolutely there is no merit in the Application and the Application is liable to be rejected and is rejected, accordingly.

8) Since the Applicant has unnecessarily caused the Respondent No.1 to engage an Advocate and contest this Application, the Applicant shall pay cost of Rs.10,000/- to the Respondent No.1 within a period of one week from today.

- 9) At this stage, the learned Counsel for the Applicant states that the Applicant will pay the cost as directed above.
- 10) If the cost is not paid within stipulated period, list the Application 'for directions' on 05/12/2025.
- 11) Criminal Application is disposed of.

(SHYAM C. CHANDAK, J.)

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HEERO
JAYANI

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