

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
APPLICATION NO. 150 OF 2024

Sushil Prafulla Mankar

..Applicant

Versus

The State of Maharashtra & Anr

...Respondents

Mr. Pratik P Ingale, for the Applicant.

Mr. A.S. Shalgaonkar, APP, for the Respondent-State.

Mr. Ayaan Bhattacharyya, with Trupti Kudtudar, i/b Wesley Menezes,
for Respondent No.2.

CORAM: N. J. JAMADAR, J.

DATED : 18th JUNE 2025

P.C.:

- 1.** Heard the learned Counsel for the parties.
- 2.** This is an Application for transfer of proceeding bearing No. 159/DV/2016 from 67th Judicial Magistrate, Borivali to any other Court.
- 3.** The principal reason for seeking the transfer appears to be the delay in disposal of the proceeding and the alleged reluctance on the part of the learned Magistrate to pass an order on the Application filed by the Applicant-husband. The Court has perused the Application and the copies of the roznama filed along with compilation of documents tendered today.

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RAMCHANDRA
SANKPAL

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4. It appears that on 12th February 2025 cross-examination in the DV Case No. 159/DV/2016 had commenced. The Court finds that one or both the parties did not appear before the Court on the subsequent dates. On account of the absence of the parties in Trial Court in DV Case No. 159/DV/2016, the hearing could not proceed. Moreover, by an order dated 7th May 2025, in Writ Petition (Stamp) No. 2146 of 2024, this Court had requested the learned Magistrate to decide the DV Case No. 159/DV/2016 within a period of six months from the next date of hearing then scheduled before the Trial Court.

5. The learned Counsel for the Respondent-wife submitted that as the Respondent had a change in her employment, she could not appear before the Court. The DV proceeding is now scheduled to be listed before the learned Magistrate on 10th July 2025.

6. On that date, the Court is informed, the issue of marking of the documents is to be decided by the learned Magistrate.

7. In these circumstances, the Court considers it appropriate to request the learned Magistrate to make an endeavour to decide DV Case No. 159/DV/2016 as expeditiously as possible and also put the parties to terms.

8. The Application stands disposed with the following directions:

- (i) The Respondent-wife shall appear before the Court of learned Magistrate, 67th Court, Borivali,

on 10th July 2025 and offer herself for cross-examination.

(ii) After the issue of marking of documents is decided, the learned Magistrate is requested to immediately proceed to record the cross-examination of the Respondent.

(iii) The Respondent shall appear before the learned Magistrate on the scheduled date, if the cross-examination is not completed on 10th July 2025.

(iv) The parties shall co-operate with the Trial Court in the expeditious conclusion of the trial in DV Case No. 159/DV/2016. The learned Magistrate is at liberty to pass an appropriate order if the parties remain absent without reasonable cause.

(v) In any event, the proceeding in DV Case No. 159/DV/2016 shall be concluded within the time stipulated by this Court by an order dated 21st January 2025.

Application disposed.

[N. J. JAMADAR, J.]