

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.71 OF 2024

WITH

CRIMINAL APPLICATION NO.479 OF 2024

Amit Prakash Chavan

...Applicant

Versus

State of Maharashtra & Ors.

...Respondents

Mr. Amey D. Deshpande, for the Applicant.

Mr. Anil S. Kamble a/w Mr. Vishal V. Rankhambe a/w Ms. Aparna V. Rankhambe a/w Mr. Chaitanya Bagul a/w Mr. Afsar Ansari, for the Respondent No.2.

Ms. Anuja Gotad, APP for the Respondent – State.

CORAM: MADHAV J. JAMDAR, J.

DATED: 14 FEBRUARY 2025

P.C.:

1. This is an Application for transfer filed under Section 407 of *Code of Criminal Procedure, 1973* (“CrPC”) of E Petition No.119 of 2023, pending in the Court of the learned Principal Judge, Family Court, Akola, to the Family Court At Pune.

2. Learned Counsel appearing for the Respondent No.2 states that by Order dated 22nd April 2017, an aggregate amount of Rs.27,000/- per month has been directed to be paid as maintenance to the wife and the son. He states that an amount of Rs.16,00,000/- is due towards, arrears of the maintenance.

3. Mr. Amey Deshpande, learned Counsel appearing for the Applicant states that the arrears are about Rs.14,50,000/-.

4. It is required to be noted that power to transfer a case under Section 407 of CrPC can be exercised if it tends to the general convenience of the parties or witnesses, or is expedient for the ends of justice. Thus, the Order under Section 407 is completely discretionary Order. If the Petitioner - husband is admittedly in arrears of maintenance of about Rs.14,50,000/-, then the said factor will have to be taken into consideration while exercising the discretion in favour of the Applicant.

5. However, Mr. Amey Deshpande, learned Counsel appearing for the Applicant states that within a period of two weeks from today, entire arrears will be deposited in the account of the Respondent No.2. The said statement made by learned Counsel appearing for the Applicant, on instructions of the Applicant, is accepted as undertaking given to this Court.

6. Accordingly, stand over to **28th February 2025**.

[MADHAV J. JAMDAR, J.]