

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.179 OF 2025**

Nitin Vitthalrao Chavan ... Applicant
versus
Namrata Nitin Chavan and Ors. ... Respondents

Mr. R.B.Huded for Applicant.
Mr. Sujit B. Padarat, for Respondent Nos.2 to 4.

CORAM: N.J.JAMADAR, J.

DATE : 3 JULY 2025

P.C.

1. Heard the learned Counsel for the Applicant.
2. None appears for Respondent No.1.
3. This is an application for transfer of Criminal Application No.312 of 2023 from the Court of Judicial Magistrate, First Class, Mangalwedha to the Court of Judicial Magistrate, First Class, Pune.
4. Respondent No.1 is the wife of the Applicant. Respondent No.1 has filed the proceeding under the Protection of Women from Domestic Violence Act, 2005, being Criminal Application No.312 of 2023 before the Court of JMFC, Mangalwedha, for various reliefs.
5. The Applicant claims that he is suffering from chronic kidney disease and is required to undergo Heamodialysis. He is taking treatment at Nephrocare Health Services Pvt. Ltd. and Noble Hospital, Hadapsar, Pune. Respondent No.1, in fact, resides, and is serving in a Company, at Pune.

SWAROOP
SHARAD
PHADKE

Digitally signed
by SWAROOP
SHARAD
PHADKE
Date: 2025.07.05
13:10:57 +0530

Thus, no inconvenience would be caused to the Respondent No.1 if the proceeding is transferred to Pune. On the contrary, if the said proceeding is tried at Mangalwedha, the Applicant would suffer grave prejudice as the Applicant would not be in a position to attend the proceeding before the Court at Mangalwedha on account of chronic kidney disease.

6. The application is supported by the copies of the medical certificates and record.

7. Learned Counsel for the Applicant invited attention of the Court to the prayers in the Criminal Application No.312 of 2022, especially prayer clause (b). Respondent No.1 has, inter alia, prayed for directions to the Applicant to make a provision for her residence at Pune or pay a sum of Rs.15,000/- per month towards the charges for the residence at Pune. Moreover, notice of the application came to be served on the Respondent No.1 at Pune.

8. The averments in the application have gone uncontroverted. There is ample material on record to show that the Applicant is suffering from chronic renal disease and is required to undergo treatment at Pune.

9. The service of notice of the Application on the Respondent No.1, as is evident from the affidavit of service filed by the Applicant, and the fact that the Respondent No.1 is seeking a direction to make a provision for her residence at Pune or to pay a sum of Rs.15,000/- per month towards the charges for the residence at Pune, prima facie, indicate that the Respondent No.1 resides at

Pune. Thus, the Respondent No.1 would not suffer any hardship or inconvenience if the proceeding is transferred to Pune.

10. In these circumstances, it would be in the interest of justice that Criminal Application No.312 of 2023 is transferred from the Court of JMFC, Mangalwedha to the Court of JMFC, Pune.

11. Hence, the following order.

ORDER

(i) Application stands allowed.

(ii) Criminal Application No.312 of 2023 stands transferred from the Court of JMFC, Mangalwedha, to the JMFC, Pune, for hearing and disposal in accordance with law.

(iii) The JMFC, Mangalwedha, shall transfer the record and proceedings in Criminal Application No.312 of 2023 with such dispatch that it reaches the JMFC, Pune within a period of four weeks from the date of communication of this order.

(iv) Application disposed.

(v) No costs.

(N.J.JAMADAR, J.)