

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.710 OF 2016

DATTARAM BHAU KALE AND ANOTHER)...APPLICANTS

V/s.

THE STATE OF MAHARASHTRA & ANR.)...RESPONDENTS

Mr.Akhilesh Singh, Advocate for the Applicant.

Mr.B.A.Lawate I/b. Mr.Sandesh Inamdar-Shinde, Advocate for Respondent No.2.

Mrs.M.R.Tidke, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 24th SEPTEMBER 2018

P.C. :

1 This is an application moved by applicants who are accused nos.2 and 3 in Sessions Case No.125 of 2016 pending on file of the learned Sessions Court at Alibaug. The charge-sheet against them and the co-accused has been filed for offence punishable under Sections 498A, 406, 313 read with 34 of the Indian Penal Code.

2 Heard the learned counsel appearing for applicants/accused nos.2 and 3 as well as the learned counsel appearing for respondent no.2/First Informant, who has set the law in motion. They both are unanimous in stating that the sessions case be transferred to Court of Sessions at Mumbai. The learned APP submits that appropriate orders may be passed.

3 I have considered the submissions so advanced and perused the material placed on record

4 Respondent no.2 Varsha Kale has lodged the First Information Report (FIR) against her husband as well as present applicants, who happen to be her in-laws. This has resulted in registration of the subject sessions case.

5 Perusal of the application shows that applicant no.1 Dattaram Kale is suffering from coronary artery disease and had undergone coronary angioplasty in past. He is also a patient of

Colon Cancer and is taking treatment for the disease suffered by him. He is aged about 75 years. Applicant no.2 Sakhubai Kale, who is accused no.3 in the subject sessions case is an old lady aged about 66 years. She had also suffered fracture of right sided distal end radius and had taken medical treatment for the same. Both applicants/accused are aged senior citizens suffering from ailments. They are contending that because of their old age and diseases suffered by them, it is not possible for them to attend each and every date of hearing at the Court of Sessions at Alibaug, and therefore, the sessions case be transferred to the Court of Sessions at Mumbai and this position is not disputed by respondent no.2/ First Informant. She also wants the subject sessions case to be transferred to the Court of Sessions at Mumbai. In this view of the matter, for general convenience of the parties, the following order :

ORDER

- i) The application is allowed.

- ii) Sessions Case No.125 of 2016 pending on the file of learned Sessions Court at Alibaug is transferred to the file of the learned Sessions Court at Mumbai.
- iii) Applicants/accused nos.2 and 3 undertake to appear before the learned Sessions court at Mumbai on 30th October 2018 and they also undertake that their son and daughter who are also accused in the subject sessions case shall also attend the Court of Sessions at Mumbai on that date.
- iv) The application is disposed off accordingly.

(A. M. BADAR, J.)

Arti
Vilas
Khatate

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by Arti Vilas
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