

Anand

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

CRIMINAL APPLICATION NO. 593 OF 2016

1. Shri Surendrakumar Verma .Applicants
2. Smt. Pushpa Surendrakumar Verma

V/s.

1. Smt. Poonam Sameer Verma .Respondents
2. The State of Maharashtra

Mr. S. Ghosh i/b. Mr. H. D. Magar, Advocate, for the Applicants
Ms S. Mailagir i/b. Mr. A. D. Joshi, Advocate, for the Respondent
No. 1
Mr. S. V. Gavand, APP, for the Respondent No. 2 – State

CORAM : REVATI MOHITE DERE, J.

DATE : 03.04.2019

P.C.

. At the outset, learned counsel for the Respondent
No. 1 states that the trial has commenced, inasmuch, as the
Respondent No. 1 – Smt. Poonam Verma is in the witness box and
the matter is posted for her cross-examination.

2. Considering the fact, that the trial has commenced, it
is not necessary to consider the aforesaid Application for transfer
of the case. Considering the age of the Applicants, both are above

80 years, it is always open for the Applicants to file an Application seeking exemption from appearing before the trial Court. It is always open for the Applicants to give an undertaking that they would have no objection, if the Advocate proceeds with the case etc. If such an Application is filed, the trial Court shall consider the same on its own merits, in accordance with law. Learned counsel for the Respondent No. 1 also fairly states that the Respondent No. 1 too will not insist on the presence of the Applicants, being senior citizens aged 85 & 81 years respectively, as on today.

3. Considering the aforesaid, at this stage, no ground is made out for transfer of case. Accordingly, the Application is disposed of.

(REVATI MOHITE DERE, J.)