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

CRIMINAL APPLICATION NO. 176 OF 2024

Suresh Kesharao Kottewar and Anr.

.. Applicants

Versus

Punam Parish Kottewar and Ors.

.. Respondents

-
- Ms. Gargi Warunjikar, Advocate i/by Mrunmayi Khambete for Applicants.
 - Ms. Dhanalakshmi Krishnaiyer, APP for the State.
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CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 27, 2024.

P.C.:

1. Heard Ms. Warunjikar, learned Advocate for Applicants and Ms. Krishnaiyer, learned APP for the State.

2. Applicants are senior citizens and the parents of the deceased. Respondent No.1 is the wife of deceased. Respondent No.2 is the daughter of deceased.

3. Respondent No.1 has filed a DV Act proceeding bearing No.PWDVA No.106 of 2022 before the JMFC at Chandrapur against Applicants. Naturally, Applicants being senior citizens have difficulty in travelling from New Panvel to Chandrapur due to their old age, as also due to financial constraints and the proximity of distance between the two destinations. Applicants have pleaded various ailments due to

their old age, for which they are taking regular treatment and have appended medical certificates to support their plea for seeking transfer.

4. Learned Advocate for Applicants has taken me through the Application and annexures thereto which when read present a sorry picture. Be that as it may, Section 407 of the Cr.P.C. envisages convenience of the parties. Hence, I will have to hear the private Respondents. It is seen that Respondent No.2 is a minor. Considering the grounds stated in the Application, an arguable case is made out for issuance of notice.

5. Issue notice to Respondents. Humdast permitted.

6. Ms. Krishnaiyer, learned APP waives service on behalf of the State.

7. In addition to Court notice, Applicants are permitted to serve copy of the Application and this order on Respondent Nos.1 and 2 and inform them about the next date of hearing by any permissible mode of service and file appropriate Affidavit of service with tangible proof thereof on or before the next date.

8. After receiving notice, Respondents are directed to take cognizance of this order and file their Affidavit-in-Reply on or before the next date and appear either themselves or through pleader.

9. Stand over to 11th December 2024.

[MILIND N. JADHAV, J.]

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