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

**CRIMINAL APPLICATION NO. 359 OF 2024**

Nagesh Dattaram Bhuvad

.. Applicant

**Versus**

Nayana Nagesh Bhuvad and Anr.

.. Respondents

- .....
- Mr. Swapnil R. Patil, Advocate for Applicant.
  - Ms. Manisha R. Tidke, APP for Respondent No.2 – State.
- .....

**CORAM : MILIND N. JADHAV, J.**

**DATE : DECEMBER 04, 2024.**

**P.C.:**

**1.** Heard Mr. Patil, learned Advocate for Applicant and Ms. Tidke, learned APP for Respondent No.2 – State.

**2.** Mr. Patil, learned appointed Advocate is representing and espousing the cause of the Applicant – husband. With his able assistance, I have perused the Criminal Application.

**3.** From the record it is seen that Applicant is having 40% locomotor disability in his whole body spine thereby severely restricting his mobility. Disability certificate is appended at Exhibit “B” – page No.33 of the Application. Proceedings are filed by private Respondent No.1 – wife before the Court of Civil Judge Junior Division and Judicial Magistrate First Class (JMFC) at Lakhandur, District Bhandara. It is physically impossible for Applicant – husband to attend the proceedings there.

**4.** It is seen that private Respondent No.1 – wife is also required to provide care and support for her 3 year old child, who is staying with her. Equally, physical disability of the Applicant is also required to be considered.

**5.** The provisions of Section 407 of the Code of Criminal Procedure, 1973 require the Court to consider the convenience of the parties to the proceedings.

**6.** In view of the above, issue notice to Respondent – wife. Humdast permitted.

**7.** In addition to Court notice, Applicant is permitted to serve a copy of the Criminal Application and this order on Respondent No.1 and inform her 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.** Ms. Tidke, learned APP waives service on behalf of Respondent No.2 – State.

**9.** On the next adjourned date, if Respondent No.1 does not remain present despite having been served, this Court shall consider the Application and pass appropriate orders.

**10.** In the meanwhile, pending proceedings PWDVA Application No.3 of 2024 filed by Respondent No.1 before the Civil Judge Junior

Division and Judicial Magistrate First Class (JMFC) at Lakhandur, District Bhandara Court are directed to be stayed until the present Application is decided.

**11.** List the Criminal Application 'First on Board' on the next adjourned date in view of the exigency mentioned by the learned Advocate for Applicant.

**12.** Stand over to 18<sup>th</sup> December 2024.

[ MILIND N. JADHAV, J. ]

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