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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION [APPLN] NO. 5 OF 2024

[Sau. Yashaswi Rahul Sable @ Yashaswi Diwakarrao Ughade .vs. Sau. Lata Ramraoji Sable]

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. P.S. Kadam, Advocate for Applicant,
Mr. A.P Borkar, Advocate a/w Ms. Anjali Sharma, Advocate
for Non-Applicant.

CORAM : G.A. SANAP, J.
DATE : JULY 10, 2024.

. Heard the learned Advocate for the parties.
Perused the record and the proceeding.

2. This is an application under Section 407 of the Code of Criminal Procedure for transfer of PWDVA Application No.335/2023 pending on the file of the learned Judicial Magistrate, First Class, Saoner to the Court of the learned Chief Judicial Magistrate, Wardha.

3. It is stated that the proceeding filed by the applicant bearing Petition-A No.1209/2023 under the Protection of Women from Domestic Violence Act, 2005 is pending in the Court of the Chief Judicial Magistrate,

Wardha. The proceeding filed by the non-applicant under the Protection of Women from Domestic Violence Act, 2005 is subsequent in point of time. It is stated that the applicant is finding it very difficult to attend Saoner Court on account of her cervical spondylosis and motion sickness.

4. The non-applicant has opposed this application. It is stated that she is 58 years old. She is also suffering from number of old age ailments. The medical certificates have been annexed to the reply.

5. On perusal of the application and the reply, I am satisfied that no case has been made out for transfer of the proceeding pending in the Court at Saoner to the Court at Wardha.

6. The non-applicant is 58 years old. The parties may not be required to attend the Court on each and every date. The parties can appear by using the video conferencing facility. The presence of the parties may be necessary for the purpose of recording the evidence and which can also be recorded through video conferencing.

7. The reason stated for transfer is not justifiable. The convenience of the parties, in my view, is appreciated in a

proper perspective which would show that the non-applicant, who is 58 years old, would be put to great amount of inconvenience, if application filed by her is transferred from Saoner to Wardha. As such, I am not inclined to grant the application. Accordingly, it is rejected.

(G.A. SANAP, J.)