

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 83 OF 2015

**[Dr. Abdul Gaffar Quadri s/o Abdul Razzak Quadri Vs Munawar Ahmed Naeem Ahmed
and others]**

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri R.S.Deshmukh, advocate for petitioner
Shri N.V.Gaware, advocate for respondent no.1
Shri A.S.Deshpande, advocate for respondent no.2
Shri Ashok Gaikwad h/f Shri V.D.Salunde, advocate
for respondent no.3
Shri K.U.Nikam, advocate for respondent no.4

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CORAM : V.M.DESHPANDE, J.

DATED : 20th July, 2015

PER COURT :-

- 1] Rule. Rule is made returnable forthwith. Heard finally by the consent of the parties.
- 2] This is an application under Section 408 of the Code of Criminal Procedure for transferring Regular Criminal Case No. 1936 of 2012, pending on the file of 12th Joint Judicial Magistrate, First Class, Aurangabad to any other court. The learned counsel for the petitioner, who is accused no.5 is heard extensively. Likewise, learned counsel for respondent no.1 who is original complainant is also heard extensively. Likewise, learned counsel for respondent no.2, respondent no.3 and respondent no.4, who are also the accused persons are also heard in extenso.
- 3] After hearing the learned counsel for all the parties, this court has reached to the conclusion, not to pass any detailed order regarding transfer in view of the agreement in between all the parties that for speedy trial the matter can be

transferred from the file of the learned Judicial Magistrate, First Class 12th court to the file of learned Chief Judicial Magistrate, Aurangabad.

4] In that view of the matter, following order is passed.

(i) The order passed by the learned Sessions Judge, Aurangabad in Criminal Miscellaneous Application No. 9 of 2015, dated 12.1.2015 is hereby set aside.

(ii) Regular Criminal Case No. 1936 of 2012 is hereby transferred from the file of the learned Judicial Magistrate, First Class 12th court to the file of learned Chief Judicial Magistrate, Aurangabad.

(iii) The learned Chief Judicial Magistrate, Aurangabad is directed to try and dispose of Regular Criminal Case No. 1936 of 2012 by himself.

(iv) All the parties are directed to appear before the learned Chief Judicial Magistrate on 21.7.2015.

(v) All the parties to the complaint including the complainant as well as all the accused are directed to extend full cooperation to the Chief Judicial Magistrate for disposal of the said Criminal Case.

(vi) None of the parties including the complainant as well as all the accused shall indulge into any dilatory tactics by moving any application like application for transfer before the Sessions Court.

(vii) The learned Chief Judicial Magistrate, Aurangabad is requested to take the proceedings of Regular Criminal Case No. 1936 of 2012 on day to day basis.

(viii) Learned Chief Judicial Magistrate, Aurangabad is directed to dispose of Regular Criminal Case No. 1936 of 2012 within a period of six months from the date of receipt of the order in view of the fact that the charge is already framed and according to the learned counsel for the complainant, there are only four witnesses excluding the complainant.

- (ix) At this stage, all the counsel submit that the connected matter i.e. Regular Criminal Case No. 1937 of 2012 should also be transferred. The prayer is accepted in view of the fact that there should not be any conflicting order since the said Criminal Case is connected with Regular Criminal Case No. 1936 of 2012.
- (x) Rule is made absolute in the above terms.

(V.M.DESHPANDE, J.)

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