

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1858 OF 2015

Chetan Pradeep Chavan

.... APPLICANT

V E R S U S

The State of Maharashtra

.... RESPONDENT

.....

Ms. A.N.Ansari, Advocate for Applicant.

Mrs. Pratibha Bharad, A.P.P. for Resp. - State.

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CORAM : V.M.DESHPANDE, J.

DATE : 18th APRIL, 2015

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PER COURT :

1. Heard Ms. A.N.Ansari, learned counsel for the applicant.

2. By the present application u/s 407 of the Code of Criminal Procedure, applicant is seeking transfer of criminal case bearing STC No. 369/2012 pending on the file of the Judicial Magistrate First Class, Kopergaon to the Court of any other Judicial Magistrate First Class out side Ahmednagar district.

3. Complaint was lodged with Kopergaon police station on 13/10/2010 by Mr. Ulhas Balwant Hejib, who, at

the relevant time, was discharging his duties as Additional District and Sessions Judge at Kopergaon. Complaint shows that at the odd hours in the night, some phone call used to come on his phone and when that phone was taken by his wife, objectionable language used to be used. Those phone calls were from Mobile phone having SIM card No. 9763316216 and 9175408404. During the course of investigation, it was found that those phone calls are of present applicant. Therefore, he was made as an accused in Crime No. 37/2010, which was initially registered against unknown person.

4. Reason for transfer of STC No. 369/2012 from Kopergaon Court to any other Court out side Ahmednagar district is that, according to the learned counsel for the applicant, learned Additional District and Sessions Judge now will be the witness in the said case and, therefore, learned Magistrate, who is sub-ordinate in the rank of the learned Additional District and Sessions Judge, will be influenced and, therefore, the present applicant will not get justice.

5. Learned counsel for the applicant has fairly stated that presently the complainant is not discharging his duties as Additional District and Sessions Judge at Kopergaon, but he is at Mumbai. Merely because the complainant is Additional District and Sessions Judge, that will have influence on the mind of the Judicial Magistrate First Class, who shall be conducting the case according to law, is highly mis-placed.

The reason, therefore, has no sanctity and hence the present Criminal Application is dismissed.

[V.M.DESHPANDE, J.]

KNP/Cr.Apln. 1858.2015