

Babusha B. Lande	...	Applicant
V/s.		
Union of India & Anr.	...	Respondents

Mr. Anil G. Lalla with Ms. Beerta Bajwa, Advocate for the Applicant.
Ms. Uma Palsuledesai, Advocate for the Respondent No.1/UOI.
Mrs. M.R. Tidke, APP for the Respondent/State.

....
CORAM : ABHAY M. THIPSAY J.

DATED : 12TH MARCH 2015

P.C.

1. Heard Mr.Lalla, the learned counsel for the applicant.
Heard Ms.Palsuledesai, the learned counsel for the respondent No.
1/UOI.

2. It is a fact that this is the fourth application for bail filed by the applicant before this Court. The first one was made at the investigation stage and was withdrawn (Bail Application No. 1915 of 2012, withdrawn on 14th January 2013). The second one was decided on merits and was rejected (Bail Application No.661 of 2013 dated 18th June 2013). The third one was also withdrawn in view of the fact that this Court had indicated an inclination to give a direction to have the trial expedited (Bail Application No. 449 of 2014 withdrawn on 19th September 2014). Now, this application has been made primarily on the ground that since the

trial has just started, and since it has not been concluded within the period stipulated by this Court, the applicant's application for bail needs to be reconsidered in the light of the liberty given by this Court to him, in the order dated 19th September 2014.

3. I have considered the matter. There seems to be some justification for the grievance of the learned counsel for the applicant about delay in holding of the trial. I have been informed that the court, to which the trial of the applicant has been assigned, is presently vacant. I have also been informed that the learned Judge, who was earlier presiding over the trial (V.K.Shewale), has been transferred to the Court of Sessions at Mumbai.

4. When specifically asked on the aspect of the feasibility of transfer of the case, the learned counsel for the applicant, as well as the learned counsel for the respondent No.1 state that they have no objection, if the case is directed to be transferred to the Special Court at Mumbai. Ms.Sartaj Shaik, who appears for the accused Nos.1 and 3 in the said case, is present in this Court in connection with some other matter. When her presence is marked and pointed by the learned counsel for the applicant and learned counsel for the respondent No.1, it was thought fit to have her say in the matter of transfer of the case. Accordingly, I have heard her. She submits that she has no objection if the N.D.P.S. Special Case No.5 of 2013 is transferred from the Special Court at Thane to Special Court at Mumbai.

5. Though the present application has been filed only for bail, in view of the agreement of the learned counsel for the parties that not only that by the transfer of the case from Thane to Mumbai, the possibility of an expeditious trial would be increased, but also the transfer would be convenient to all concerned, I think it proper to direct a transfer of the Special Case to the Special Court at Mumbai in spite of the fact that the application has not been made for that purpose.

6. The application for bail is rejected.

7. It is, however, directed that N.D.P.S. Special Case No.5 of 2013 pending before the Special Court under the N.D.P.S. Act at Thane shall stand transferred to the Special Court under the N.D.P.S. Act, Mumbai, for trial in accordance with law. The trial to be assigned to a Judge of the Special Court, to be nominated by the Sessions Judge for Greater Bombay keeping in mind that the trial needs to be expeditiously held.

8. All concerned to act in consonance with this order and do the needful.

9. Trial Court shall endeavour to complete the trial within a period of four months from the receipt of record and proceedings by it.

10. The application is disposed of in the aforesaid terms.

(ABHAY M. THIPSAY J.)