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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION No. 471 of 2015

Anwar Nasuruddin Shaikh ..Applicant.

Versus

The State of Maharashtra ..Respondent.

Mr Satyavrat Joshi, Advocate for the Applicant.

Mrs PP. Bhosale, APP for the State.

CORAM : A.R.JOSHI,J

DATE : 2nd September,2015.

PC. :

1. Heard appointed counsel for the applicant in this application for transfer of Sessions Case pending before the City Civil and Sessions Court, Greater Bombay. Present application is preferred under section 407 of Cr.PC. The only allegation in the application is that during the progress of the trial on 2nd March, 2015 allegedly the complainant was present before the Court and apparently made some statement that he do not know regarding the case. On this ground, the transfer is sought by the under trial prisoner. On this application for transfer, the report from the concerned Sessions Court is called. The said report reveals that on the particular date there was nothing like starting of the recording of the evidence and only it was the inquiry went on with the complainant, then present in the Court, regarding the case.

2. Under the above circumstance, as explained by the Trial Court, in the opinion of this Court, the doubt raised on the

working of the said sessions court is unfounded. Moreover, this is not the circumstance for transfer of a sessions case from one court to another. Needless to mention that when the complainant or for that matter any prosecution witness when giving evidence on oath before the court, definitely whatever the witness says is no doubt be recorded and can be subsequently appreciated by the trial Court. In no way, the right of the applicant/accused of cross examining such witness is affected.

3. In view of the above, there is nothing in the present application, preferred through jail, for transfer of the pending sessions case and the application is accordingly dismissed and disposed of. Learned appointed counsel has made all his endeavour to argue on the plea for transfer. His fees shall be quantified by the office as per rules.

4. Directions are given to the trial Court to deal with the pending sessions case as expeditiously as possible and in accordance with law without being influenced by any of the observations in this order or the representation made by the applicant/accused to this Court by way of application through jail. Application is disposed of.

5. Present order be communicated to the applicant through concerned jail authority, immediately.

(A.R. JOSHI, J.)