

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 3612 OF 2014

Wazir Financial Services Pvt. Ltd.. ... Petitioner.

V/s.

The State of Maharashtra & Ors. ... Respondents.

Mr. Siddharth Murarka, Advocate for the Petitioner.

Ms. V. S. Mhaispurkar, APP for the State.

Mr. Sandeep Karnik & Mr. Himanshu V. Pradhan i/by M/s.
Crowford Belyley & Co. for Respondent Nos. 2 & 3.

CORAM : M.L.TAHALIYANI,J.

DATE : 16 JANUARY, 2015

P.C. :

1 Heard the learned Advocate appearing for the Petitioner, the learned Advocate for Respondent Nos.2 and 3 and learned additional public prosecutor for the State.

2 The Petitioner is aggrieved by the order passed by the Chief Metropolitan Magistrate, transferring one of its cases from evening court to regular court / afternoon court. The reasoning given by the learned Chief Metropolitan Magistrate is that one of the cases between the same parties was pending in the regular court and therefore, the present case pending in the evening court was also transferred to the regular court. In

fact, there is nothing wrong in the said order. More-over, the writ petition in fact will not survive as the cases have been transferred to the Panvel Court, pursuant to the order passed by the Supreme Court in the matter of **Dashrath vs. State of Maharashtra**. However, one thing is necessary to be noted here which is also the grievance of the Petitioner, that such an order should not have been passed by the learned Magistrate without hearing the Petitioner. Since the Petitioner was one of the parties in the transferred cases, it was necessary for the Chief Metropolitan Magistrate to give notice to the Petitioner. I hope and trust that the learned Chief Metropolitan Magistrate in future will take care of such a grievance of the litigants.

3 Writ Petition stands disposed of.

(JUDGE)

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