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

CRIMINAL APPLICATION NO.2604 OF 2016

Shivkumar s/o Madhukar Murti,
Age:42 years, Occu: Business,
R/o. "Swarup", Deva Nagar,
Near Patel Lawns, Beed by pass,
Aurangabad, Tal. Aurangabad,
Dist. Aurangabad

..APPLICANT

VERSUS

1. Padmakar s/o Dattatraya Shelke,
Age: Major, Occu: Business,
R/o: Hariprasad, Deolai Parisar,
Aurangabad, Tal. Aurangabad,
Dist. Aurangabad
2. Shri. Ajay s/o Pralhad Raut,
Age: 35 years, Occu: Business,
R/o: Hariprasad, Deolai Parisar,
Aurangabad, Tal. Aurangabad,
Dist. Aurangabad
3. Shri. Pradeep s/o Uttamrao Sable,
Age: Major, Occu: Business,
R/o. Kasliwal Purva, Row House No. 56/57,
Near Airport, Chikaltana, Aurangabad,
Tal. Aurangabad
Dist. Aurangabad

..RESPONDENTS

Mr Sk. M.A. Jahagirdar, Advocate for applicant;
Mr R. P. Mote, Advocate for respondents

CORAM : N.W. SAMBRE, J.

DATE : 26th October, 2016

ORAL ORDER :

By the present application under section 482 of the Code of Criminal Procedure, the applicant-accused challenges the order dated 8th January, 2016, passed by Sessions Judge, Aurangabad, in Criminal Misc.

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Application No.89 of 2015, whereby his prayer for clubbing the matters initiated and faced by him, which are pending in various courts of the Magistrate at Aurangabad, for offence punishable under section 138 of the Negotiable Instruments Act, came to be rejected.

2. Mr Jahagirdar, learned Counsel appearing on behalf of the applicant would urge that it is the intention of the applicant-accused that the proceedings, which are summary in nature, are required to be heard and disposed of at the earliest and it is also convenient for the applicant-accused as also respondents-complainant, if the matters are dealt with by one court of the Magistrate.

3. The claim is opposed by the learned Counsel appearing on behalf of the respondents, as according to him, the prayer is rejected by the learned Sessions for proper reasons.

4. It is to be noted that the applicant is facing trial in following criminal matters :-

Sr. No.	Case No.	Name of party	Name of Court	Stage
1	SCC No.7657/13	Padmakar v/s Shivkumar	11 th JMFC A.A. Shaikh Sir	Evidence affidavit filed
2	SCC No.5456/14	Padmakar v/s Shivkumar	18 th JMFC Landbale	--do--
3	SCC No.808/14	Pradeep v/s Shivkumar	--do--	Part heard
4	SCC No.7816/13	Ajay v/s Shivkumar	15 th JMFC D.A. Doiphode	Part heard
5	SCC No.3840/14	Ajay v/s Shivkumar	9 th JMFC	Verification
6	SCC No.3841/14	Pradeep v/s Shivkumar	12 th JMFC	Verification

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5. The matters are pending before different courts of Magistrate and are also at different stages. It is worth to note here that some matters are at hearing stage, i.e. part heard and some are at beginning stage, i.e. at the stage of verification.

6. Apart from above, the matters in which evidence is already recorded, particularly in summary trial, in my opinion, it will be inappropriate to transfer such cases to some other court of the Magistrate.

7. In view thereof, the impugned order, in my opinion, is just and proper. No case for interference is made out. Criminal Application, therefore, stands rejected.

(N.W. SAMBRE, J.)

amj