IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1311 OF 2015

Sitaram Shankarrav Kharade
and ors. ..Petitioners

Versus

The State of Maharashtra
and anr. ..Respondents

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Mr.D.B.Thoke, advocate for petitioners

Mr.A.R.Kale, A.P.P. for respondent no.1 — State

Mr.K.N.Shermale, advocate for respondent no.2

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CORAM : M.T. JOSHI, J.
DATE : FEBRUARY 15, 2016

PER COURT :

Heard both sides.

2] Rule. Rule made returnable forthwith. Heard finally by consent of the parties.

3] The petitioners pray for transfer of Sessions Case No.36 of 2015 pending on the file of learned Addl. Sessions Judge, Sangamner, District

Ahmednagar to the Sessions Court outside the Ahmednagar District. Learned counsel for the petitioners relies on the ratio laid down in the case of *Rajendra Gandhi Vs. State of Maharashtra, 1989(1) Bom. C.R.337.*

4] Learned counsel for respondent no.2 opposes the petition. He relies on the ratio laid down in the cases of (*i) Sarika d/o. Dinesh Rathi Vs. State of Maharashtra and ors., 2007(2)Mh.L.J. (Cri.) 1152* and *(ii) Captain Amarinder Singh Vs. Parkash Singh Badal and ors., 2009(4)Mh.L.J. (Cri.) 15.*

5] Having considered the peculiar fact that the present petitioners are being tried for the offences punishable under Section 306 read with 34 of Indian Penal Code and also Sections 7 and 13 of the Prevention of Corruption Act, finding that the deceased was an Advocate and according to the petitioners, though they have engaged a senior

Advocate from Nashik, they are under pressure as all the members of the bar gather in the Court at Sangamner during hearing of the trial, in my view, considering the convenience of the parties involved and to have a trial in a free and fair manner, Sessions Case No.36 of 2015 pending on the file of the learned Addl. Sessions Judge, Sanganmer, Dist. Ahmednagar deserves to be transferred to the Sessions Court of Kopargaon, District Ahmednagar, which is about 50 kms. away from Sangamner.

6] Hence, the following order :-

A] Present petition is allowed.

B] Sessions Case No.36 of 2015 pending on the file of the learned Addl. Sessions Judge, Sanganmer, Dist. Ahmednagar is hereby withdrawn and transferred to the Court of learned Addl. Sessions Judge, Kopargaon, Dist. Ahmednagar.

[M.T. JOSHI, J.]

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