

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

910 CRIMINAL APPLICATION NO.2166 OF 2017

MOHAMMAD SALIM QURESHI S/O. ABDUL HAQUE QURESHI
AND OTHERS

VERSUS

SAI COLD STORAGE AND WARE HOUSE AND OTHERS

...

Advocate for Applicants : Mr.Laique Hussain;
Mr.Thigale Girish K. (Naik), Adv. For R.No.1;
Mr.Shirsat Suhas R., Adv. For R.Nos.2 To 4.

CORAM : P.R.BORA, J.

DATE : 28th November, 2017.

PER COURT :

1) Heard learned Counsel for applicants and
learned Counsel for Respondents.

2) The applicants have filed the present
application, invoking the provisions under
Section 407 of Code of Criminal Procedure,
seeking transfer of the Summary criminal
proceedings pending against them in different
JMFC courts at Beed in one JMFC court. The
particulars of the Summary Criminal cases, of
which transfer is sought, are as under,-

Sr. No.	Summary Cri. Case Nos.	Filed by	Against whom	Name of the Court in which it is pending
1	1667/2015	Respt. No.1	Petitioners No.1 & 2	JMFC (2 nd Court), Beed
2	1488/2015	Respt. No.1	Petitioner No.3	JMFC (3 rd Court), Beed
3	971/2015	Respt. No.2	Petitioner No.1	JMFC (3 rd Court), Beed
4	483/2015	Respt. No.2	Petitioner No.3	JMFC (7 th Court), Beed
5	972/2015	Respt. No.3	Petitioner No.1	JMFC (3 rd Court), Beed
6	484/2015	Respt. No.4	Petitioner No.3	JMFC (7 th Court), Beed
7	857/2015	Respt. No.5	Petitioner No.1	JMFC (4 th Court), Beed

. As has been submitted by the learned Counsel for the applicants, such a request was made by the applicants to the learned Sessions Judge, Beed, however, the request was rejected by the learned Sessions Judge, vide the order passed on 11th April, 2017.

3) After hearing the learned Counsel appearing for the parties, it is revealed that total seven criminal complaints (Summary Criminal Cases) under Section 138 of The Negotiable

Instruments Act are pending against the present applicants. The applicants are related to each other. As stated by the learned Counsel for the applicants, they are the family members. It is the grievance of the applicants that since in seven different Summary criminal complaints, different dates are being given by the Courts, the applicants find it very difficult to attend the said cases in the JMFC courts at Beed on every such dates. It is the contention of the applicants that if all the seven Summary criminal complaints are assigned to one court and one date is given for hearing in all these matters, the applicants may conveniently attend the court since they all are residing at Nagpur and they have to come at Beed to attend the said proceedings.

4) Shri Thigale, learned Counsel appearing for Respondent No.1 and Shri Shirsat, learned Counsel appearing for Respondent Nos.2 to 4, submit that the arrangement, which has been

suggested by the learned Counsel for the applicants to transfer all these cases to one court may not be practical for the reason that in such cases if hearing in one matter starts, all other matters may get stalled which would result in delaying the trial of the other cases. The learned Counsel further submitted that the aforesaid seven cases are pending in different courts of JMFC. The learned Counsel fairly submits that the respondents may not have any objection if directions are issued to the Sessions Court for keeping all these seven cases on one day so that the applicants can jointly come to attend the concerned court from Nagpur. The learned Counsel further submitted that the conduct of the applicants, revealed from the past record, demonstrates that they are not attending the court and seeking adjournments on one pretext or other which has resulted in prolonging hearing of the criminal complaints. On such submission being made by the learned Counsel for the respondents, the learned Counsel for the

applicants promptly submitted that the applicants undertake to proceed with their respective complaints without seeking any adjournment. In view of the submissions so made, it appears to me that following order would meet the ends of justice. Hence, the following order, -

ORDER

i) The learned Principal District & Sessions Judge, Beed is directed to issue necessary orders to the respective JMFC Courts, wherever the criminal complaints/cases, in question, are pending, to list the complaints/cases on one and the same date. The learned Counsel for the parties in the trial Court shall suggest such date to the respective Courts.

ii) The Complainant and the accused shall cooperate in disposal of the pending criminal complaints.

iii) The Presiding Officers of the respective Courts shall decide the

complaint/s pending in their Courts, as expeditiously as possible and preferably within a period of six months.

iv) The Criminal Application stands disposed of in the aforesaid terms.

(P.R.BORA,J.)

bdv/