

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.269 OF 2016

**BHOOPSINGH SURGYANSINGH BHANU)
AND ANR.)...APPLICANTS**

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Mahendra Agavekar, Advocate for the Applicant.

Mr.P.H.Gaikwad-Patil, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 13th JANUARY 2017.

P.C. :

1 By this application, purported to be under Section 407 read with Section 482 of the Cr.P.C., applicants / original accused are praying for transfer of Special MPID Case No.16 of 2015, 15 of 2013 and 1 of 2013 pending on the files of the learned Special Courts under Maharashtra Protection of Interest of Depositors Act (MPID Act) at Khed (Ratnagiri), Sindhudurg and Kolhapur to the file of the Special MPID Court at Kalyan, wherein similar case is pending against them.

2 Heard the learned counsel appearing for applicants / accused. He argued that applicants are suffering inconvenience because of pendency of cases at different courts. All cases are in respect of similar offences. The learned counsel further argued that one of the applicants / accused is suffering from ailment and therefore it would be inconvenient for applicants / accused to attend different courts on different dates.

3 The learned APP has opposed the application.

4 Perused the record made available. Applicants / accused along with co-accused are facing trial for offences punishable under Sections 420 and 120B of the IPC, under Sections 4, 5 and 6 of the Prize Chits and Money Circulation (Schemes) Banning Act, 1978, as well as under Section 3 of MPID Act, in pursuant to FIRs lodged by different individuals residing at different places. During the course of investigation of each offence, it was found that public at large residing at several places came to be cheated by present applicants / accused as well as co-

accused by alluring them to deposit their hard earned money in the schemes framed by accused persons including present applicants / accused. Perusal of charge-sheets placed on record goes to show that several investors residing at different places are shown as witnesses in criminal cases. Cause of action arose within jurisdiction of different courts. Investors, who are victims of crime in question, are also residents of different places where the offence in question came to be committed, allegedly by applicants / accused. Even accused persons in all cases are different.

5 In the light of the fact that in all four cases different accused are arrayed and in all four criminal cases several investors residing in the territorial jurisdiction of concerned court are witnesses, convenience of such victims of crime will have to be looked into, particularly when the offence alleged is committed within the territorial jurisdiction of those courts at Khed (Ratnagiri), Sindhudurg and Kolhapur.

6 In this view of the matter, comparatively more hardship will be suffered by victims of the crime in question, than that of the accused persons including present applicants, if the cases are transferred from the court having territorial jurisdiction over the offence to some other court, just for the sake of convenience of accused persons.

7 In this view of the matter, no case for transfer of pending criminal cases is made out.

8 The application is, therefore, rejected.

(A. M. BADAR, J.)