

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 222 OF 2017**

Shailesh Babulal Shah .....Applicant.  
Vs.  
The State of Maharashtra & Ors. ....Respondent.

**WITH****CRIMINAL APPLICATION NO. 223 OF 2017**

Gaurav Shashi Kapoor .....Applicant.  
Vs.  
The State of Maharashtra & Ors. ....Respondent.

**WITH****CRIMINAL APPLICATION NO. 224 OF 2017**

Malav Rajen Shah .....Applicant.  
Vs.  
The State of Maharashtra & Ors. ....Respondent.

Mr. A.P. Mundargi, Senior Advocate i/by Mr. R.M. Pawar for the Applicant.  
Mr. V.V. Gangurde, APP for the Respondent-State.

**CORAM : A. S. GADKARI, J.**

**DATE : 19<sup>th</sup> APRIL, 2018.**

**P.C.:-**

1) These are the Applications under Section 407 of Cr.P.C. for transfer R.C.C. Nos.121 of 2015, 122 of 2015 and 120 of 2015 respectively, pending on the file of the learned Judicial Magistrate,

First Class, Roha, to any other Magistrate at Pannel.

2) As noted in the Order dated 16<sup>th</sup> March, 2018 passed by this Court, the present Applications are filed for transfer of Cases on the ground of overburdenness and paucity of time with the concerned learned Judge i.e. Judicial Magistrate, First Class, Roha. This Court, therefore, had called for the report from the concerned Court regarding the status of the said cases.

The Registry of this Court, has received a report dated 29<sup>th</sup> March, 2018 from the concerned Judicial Magistrate, First Class, Roha, District Raigad, stating that in RCC No. 120 of 2015, the prosecution has cited 61 witnesses and out of those witnesses, 4 witnesses have been examined as of today. In RCC No. 121 of 2015, the prosecution has cited 41 witnesses and out of which, 6 witnesses have been examined by the concerned Court and in RCC No. 122 of 2015, the prosecution has cited 60 witnesses, out of which 8 witnesses have been already examined by the said Court.

3) The record indicates that the learned Additional Sessions Judge, Mangaon, District Raigad in Criminal Miscellaneous Application No. 235 of 2016 by its order dated 3<sup>rd</sup> January 2017 passed below 'Exhibit-1' has already expedited the RCC No. 121 of

2015 and has directed the Trial Court to take up the hearing of the said case twice in a week.

4) As noted hereinabove, the record indicates that the trials of the said cases are progressing steadily. It is further to be noted here that there are cases, which are prior in point of time to the cases insisted by the Applicant, pending on the file of the concerned Magistrate. By giving undue importance to the request made by the Applicant for preference, would undoubtedly cause injustice on other Complainants/prosecution cases, who are waiting for their trial in the concerned Court.

5) This Court is therefore, of the considered opinion that, no substantial ground for transfer of cases is made out.

6) Applications are devoid of any merits and are accordingly rejected.

**(A.S. GADKARI, J.)**