

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO. 830/2018

Vitthal S/o Zirtuji Dhoke

..VS..

Prakash S/o Eknath Kamble & ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.J. Mehta, Advocate for the petitioner
Shri K.L. Dharmadhikari, APP for the respondent no. 5

CORAM : Z.A.HAQ, J.

DATED : 26/09/2018

The respondent nos. 1 to 4 have filed Special Civil Suit No. 61/2012 praying for decree for specific performance of the agreement of sale dated 30/05/2012 against the present petitioner. This civil suit is pending in the Court of 3rd Joint Civil Judge, Senior Division, Chandrapur.

The present petitioner has filed a complaint against the respondent nos. 1 to 4 on the basis of which investigation was undertaken by the Police and charge-sheet for the offences punishable under Section 420, Section 468, Section 471 r/w Section 34 of the Indian Penal Code is filed in the Court of 4th Joint Civil Judge, Junior Division and Judicial Magistrate First Class, Chandrapur.

The petitioner had filed an application under Section 408 of the Code of Criminal Procedure before the Sessions Court seeking transfer of the Regular Criminal Case No. 544/2016 to the Court of 3rd Joint Civil Judge, Senior Division and the Additional Chief Judicial Magistrate, Chandrapur. This application is dismissed by the learned

Sessions Judge by the impugned order. The learned Sessions Judge has recorded that the prayer made by the petitioner for transferring the Regular Criminal Case No. 544/2016 to the Court of 3rd Joint Civil Judge, Senior Division and the Additional Chief Judicial Magistrate, Chandrapur cannot be granted, as there is no question of conflicting decisions. The learned Sessions Judge has recorded that the standard of proof for deciding the civil cases and for deciding the criminal cases is different.

The reasons given by the learned Sessions Judge while dismissing the application filed by the petitioner are justified and cannot be faulted with.

I see no reason to interfere with the impugned order in the extra-ordinary writ jurisdiction.

The writ petition is **dismissed**. No costs.

JUDGE

Ansari