

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

CRIMINAL APPLICATION (APPLN) NO. 80/2018

Smt. Ashwini W/o. Mahesh Waghmare

..VS..

Shri Nanakram Bhakhatmal

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

Court's or Judge's orders

Shri A.K. Waghmare, Advocate for the applicant

CORAM : Z.A.HAQ, J.
DATED : 22/11/2018

Heard.

By this application filed under Section 407 of the Code of Criminal Procedure read with Articles 226 and 227 of the Constitution of India, the applicant seeks transfer of the proceedings from the file of 8th Joint Civil Judge, Junior Division and Judicial Magistrate First Class, Wardha to any other Court of Judicial Magistrate First Class in the same district. The same grievance was made by the applicant before the Sessions Court by filing O.M.C.A. No. 47/2017 which is dismissed on 01/08/2018. The learned Sessions Judge has examined the matter and has recorded that the allegations of bias levelled by the applicant against the Presiding Officer are not borne out from the record.

The contention of the applicant is that the learned Magistrate has committed some illegality/irregularity by not exhibiting a document (cheque) and marked it as Article-A, however, subsequently same document was referred in the

cross-examination of the applicant and it was permitted to be referred. This contention cannot be basis for transfer of the proceedings as sought by the applicant. Of course, the applicant would be at liberty to challenge the order passed by the learned Magistrate refusing to exhibit the concerned document.

In view of the above, I see no reason to grant the prayer made in this application.

The application is **dismissed**. No costs.

JUDGE

Ansari