

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 2557 OF 2019

1. Shri. Ashok Yashwant Badve)
Age: 62 years, Occ. Advocate,)
88B, Pratapganjpeth, Satara,)
District- Satara – 415 002.)
2. Anil Diliprao Badve,)
Age 39. Occupation Agriculture.)
3. Shri. Santosh Dilip Badve,)
Age- 45 years, Occ. Service.)
4. Shri. Vivek Dilip Badve,)
Age- 47 years, Occ. Priest.)
5. Santosh Digimber Badve,)
Age – 49 years, Occ. Priest.)
6. Shri. Deepak Mahadev Badve/ Tande,)
Age – 52 years, Occ. Priest.)
7. Vasantrao Mahadev Badve,)
Age: 84 years, Occupation Priest.)
8. Mahesh Vasantrao Badve)
Age: 57, Occupation Service.)

9. Sudgir Chingu Badve)
Age. 50, Occupation Priest.)

10 Sanjay Gurinath Badve)
Age: 49, Occupation Priest.)

11 Mangesh Mahadev Badve)
. Age.54. Occupation Priest.)

12 Haribhau Narauan Badve)
Age. 61. Occupation Priest.)

13 Shri Dilip Yashwant Badve)
Age- 65 years, Occ. Priest.)

All Petitioners from Nos. 2 to 13 are)
resident of Shinganapur, Tal. Man, Dis.) ...Petitioners
Satara.

Versus

1. Shri Suresh Tulshiram Bhagwat,)
Age 63 years, Occ. Hotel Business,)
Residing at Shingnapur,)
Taluka – Maan, District -Satara.)

2. The State of Maharashtra,)
[Summons to be served on the learned)
Public Prosecutor under the provision of)
Code of Criminal Procedure]) ...Respondents

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Mr.R.C.Barge for the Petitioners.
Mrs. M.R.Tidke, APP for Respondent No.2-State.

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CORAM : S.S.SHINDE J.
DATE : 07 JUNE, 2019

JUDGMENT

1. This Petition takes an exception to the order passed below exhibit 1 in Criminal Misc. Transfer Application No. 50 of 2019 by the learned Sessions Judge, Satara on 24th April, 2019.

2. The present petitioners are the original applicants in the aforesaid Criminal Misc. Application. They filed an application under Section 408 of the Code of Criminal Procedure, 1973 for transfer of Regular Criminal Case No. 69 of 2003 from the Court of the learned Judicial Magistrate First Class, Dahiwadi to other Court of competent jurisdiction.

3. The learned Counsel appearing for the petitioners invites attention of this Court to the pleadings and grounds taken in the Petition and also various orders passed by the Court of the learned Judicial Magistrate First Class, Dahiwadi, and submits that the learned Judicial Magistrate First Class, Dahiwadi made so many unwarranted comments against the

applicants during the course of hearing of the proceedings before the said Court. It is submitted that the applicants are apprehending that no proper justice will be done by the said Court and, therefore, the said case may be transferred from the said Court to any other Court of the learned Judicial Magistrate First Class.

4. It appears that, upon hearing the applicants i.e., the present petitioners, and upon perusal of the grounds for transfer of the said proceedings, the learned Sessions Judge, Satara found that there is no substance in the contentions of the petitioners for transfer of the said case. The learned Sessions Judge has also noted that the matter is part heard and the reasons assigned for transfer of the said case are not sustainable. It further appears that the proceedings before the Court of the learned Judicial Magistrate First Class, Dahiwadi are at fag end and there are no valid grounds for transfer of the said proceedings.

5. Upon an independent scrutiny of the material placed on record and grounds taken in the Petition, this Court is of the opinion that the prayer of the petitioners for transfer of the proceedings needs no consideration

since the said proceedings are at fag end and also the reasons assigned for such transfer does not appear to be sound. There is inherent danger in accepting the casual prayers for transfer of the proceedings from one Court to another Court for unsustainable reasons. Such acceptance of prayers for unsustainable reasons for transfer of the proceedings would affect moral of the Judicial Officers working in the subordinate Courts. Once the proceedings are disposed of by the concerned Court, it may be open for the petitioners to take all possible legal grounds to challenge the said proceedings before higher forum. In that view of the matter and without entering into further details, this Court is not inclined to entertain the prayer in the Petition. Hence, the Writ Petition stands rejected.

6. The observations made hereinabove are *prima facie* in nature and confined to the adjudication of the present Petition.

(S.S.SHINDE, J.)