

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.187 OF 2019**

M/s Jalaram Infrastructure Applicants
(Registered Partnership Firm)
thru' its Partners
Mr. Mehul Vinod Trivedi & Ans.

Vs.

Shri. Neeraj Patil Respondent

None for Applicants.
Mr. S.V. Gavand, APP for the State.

Coram : NITIN W. SAMBRE, J.

Date : 12th December 2019

P.C.:

1. When the matter was called out yesterday, the learned counsel for the applicant sought time to prepare the same. As such, matter was adjourned for today. Today also on second call, none appears for the applicants.

2. The application is for seeking transfer of proceedings initiated under Section 138 of Negotiable Instruments Act from the Court of 15th Joint Civil Judge, Senior Division and Additional Chief Judicial Magistrate, Pune to that of the Court of Chief Judicial Magistrate, Jalgaon.

3. The prayer for transfer is based on certain cash transactions between the parties and pendency of application under Section 34 of Arbitration and Conciliation Act at Jalgaon. From the record, the ground is noticed that Section 34 of Arbitration Act proceedings and the proceedings under criminal proceeding are pending at Pune and said are interrelated.

4. Be that as it may, as far as the proceedings at Jalgaon is concerned, the same are under Arbitration Act, whereas the proceedings at Pune are under the Negotiable Instruments Act.

5. Based on the pleas of convenience of the applicants, this Court cannot exercise its powers under Section 407 of Code of Criminal Procedure.

6. In view of above, no case is made out. The application fails, rejected.

(NITIN W. SAMBRE, J.)