

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

WRIT PETITION NO. 2441 OF 2019

Shri.Shrikant Rajaram Patil

...Petitioner

Versus

State of Maharashtra & Anr.

...Respondents

Mr.Amey Deshpande for the Petitioner.

Mrs.M.R.Tidke, APP for Respondent No.1-State.

CORAM : S.S.SHINDE J.

DATE : 07 JUNE, 2019

P.C.:

1. This petition takes an exception to the order dated 20th March, 2019 passed in Criminal Misc. Application No. 29 of 2019 by the learned Sessions Judge, Nashik and also prayer is made to transfer Summary Criminal Case bearing Nos. 3305 of 2015, 3306 of 2015 and 3307 of 2015, which are pending before the learned Judicial Magistrate First Class, Court No.3, Nashik to any other Judicial Magistrate First Class at Nashik.

2. In support of contentions raised in the petition, learned Counsel appearing for the petitioner invites attention of this Court to the contents

of the application filed by the petitioner before the learned Sessions Judge, Nashik and submits that on the grounds mentioned in the said application, the aforesaid cases ought to have been transferred from the Court of learned Judicial Magistrate First Class, Court No.3, Nashik to any other Court of learned Judicial Magistrate First Class at Nashik. It is submitted that the concerned Court did not allow the petitioner to ask certain questions in cross-examination of the witnesses. Sum and substance of the arguments of learned Counsel appearing for the petitioner is that the petitioner will not get proper opportunity before the said Court, before whom aforesaid cases are pending, to put forth the contentions of the petitioner, therefore, the said cases may be transferred to any other Court of learned Judicial Magistrate First Class at Nashik.

3. I have carefully perused the grounds mentioned in the petition and the application, which was filed for transfer of the aforesaid cases, as also other documents placed on record. The petitioner is aggrieved by disallowing the prayer of the petitioner to put certain questions in cross-examination of the witnesses. In that case, it was open for the petitioner to take an exception to such order of the learned Magistrate disallowing the prayer of the petitioner to put certain questions to the witnesses.

However, transfer of the case from one Judicial Magistrate First Class to another Judicial Magistrate First Class on the grounds stated in the Transfer Application, would not solve the problems. There are no valid grounds made out so as to grant the prayer of the petitioner. Hence, prayer of the petitioner for transfer of the aforesaid cases from the Judicial Magistrate First Class, Court No.3, Nashik to some other Judicial Magistrate First Class at Nashik stands rejected.

4. If the petitioner has any other specific grievance, except prayer for transfer of cases, the petitioner would be at liberty to approach an appropriate forum for such specific grievance, if such remedy is provided.
5. Writ Petition stands disposed of accordingly.

(S.S.SHINDE, J.)