

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

CRIMINAL APPLICATION NO.396 OF 2019

Madan Shantaram Kolambekar Applicant

Vs.

1. State of Maharashtra Respondent no.1

2. Kunal Joginder Pal Arora Respondents no.2

Mr. Ganesh Dalvi i/by Mr. Amul Jawale for Applicant.

Mr. A.A. Palkar, APP for State.

Mr. Vikas Sharma for Respondent no. 2 / Intervener.

Coram : NITIN W. SAMBRE, J.

Date : 28th November 2019

P.C.:

1. Heard.

2. This is an application seeking transfer of the proceedings being Regular Criminal Case No. 641 of 2017 pending on the file of learned Judicial Magistrate First Class, Vashi (11th Court) at Belapur, presided over by Shri. D.M. Gitte to the Court of learned Judicial Magistrate, presided over by Shri. B.H. Parmar. Amongst other, grounds which are pressed are, inspite of oral requests made by the parties, the

matter was not referred to the Lok Adalat for recording settlement and insistence from one of the witness to give an affidavit against the accused person, which is formed to be the basis of issuing threat of cancellation of bail.

3. The prayer is opposed by the learned APP and the learned counsel for respondent no.2.

4. The very prayer made in the application for removing the matter from the learned Magistrate, Mr. Gitte and transferring of the same to the learned Magistrate, Mr. Parmar speaks volumes about the very intention and the mind of the applicant-accused.

5. Apart from above, the ground of non referring the matter to Lok Adalat is without any basis in the form of documentary evidence.

6. The second ground as regards issuance of threats by the Court to the applicant-accused of cancellation of bail is concerned, it is claimed that the Court has insisted one of the witness to give affidavit against the accused about threats issued. Said ground is not supported

by any documentary evidence as such same is also without any legal basis.

7. The application is wholly misconceived and misdirected, as such is rejected.

(NITIN W. SAMBRE, J.)