

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

CRIMINAL APPLICATION (APL) NO.719 OF 2019

(Mohohmmad Javed Abdul Wahab Vs. State of Maharashtra thr. PSO PS Buldana
City, Buldana)

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

Court's or Judge's orders.

 Shri M.L. Vairagade, Advocate for Applicant.
 Shri V.A. Thakare, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 28th FEBRUARY, 2020.

The controversy raised is not *res integra* and is covered by the decision in *Shyamrao Vithoba Pillare v. State of Maharashtra, thr. PSO PS Gadchiroli, Dist. Gadchiroli* reported in *2018 LawSuit(Bom) 2406*. The applicant is challenging the order dated 07.05.2019 whereby the learned Magistrate transferred – committed the proceedings to the learned Sessions Judge, Buldhana. This course was adopted in view of the Code of Criminal Procedure (Maharashtra Amendment) Act, 2017 whereby the punishment prescribed for offence punishable under section 332 and 353 of the IPC was enhanced and the offences were made triable by the Sessions Court.

2] The submission is that the amendment operates only prospectively.

3] This submission is considered by the learned

Single Judge in the decision cited *supra*. It is held that the amendment shall operate prospectively as regards the enhanced punishment, and shall apply to pendency proceedings in so far as the forum is concerned. The learned Sessions Judge has held that there cannot be a vested right as regards a forum.

4] I am in respectfully agreement with the articulation of law by the learned Single Judge in *Shyamrao Vithoba Pillare*.

5] The application is rejected.

JUDGE