

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1189 OF 2021

SHAIKH MOHSIN SHAIKH MUJAHID
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Akshay S. Radikar
APP for Respondent No.1 – State : Mrs. G. L. Deshpande
...

CORAM : N. R. BORKAR, J.

DATE : 27-10-2021

PER COURT :-

This writ Petition takes an exception to the order dated 18-09-2021 passed by the learned Sessions Judge, Parbhani in Criminal Miscellaneous Application No. 44 of 2021.

2. Petitioner, who is informant in Crime No. 249 of 2018, registered at Kotwali Police Station, Parbhani, for the offences punishable under Sections 302, 307, 326, 323, 143, 147 and 149 of the Indian Penal Code, Sections 7 and 12 of the Indian Arms Act and Section 135 of Bombay Police Act, moved an application for transfer of Sessions Case No. 25 of 2019 arising out of the aid crime and which is at present pending in the court of District Judge-1 and Additional Sessions Judge, Parbhani to the court of Principal District and Sessions Judge, Parbhani. The said application came to be rejected by the order impugned.

3. I have heard the learned counsel for the petitioner and the learned APP for the respondent-State.

4. Learned counsel for the petitioner submits that initially the said Sessions Case was pending in the court of Principal District and Sessions Judge and when the matter was fixed for examination of the Investigating Officer, the Officer presiding over the court of Principal District and Sessions Judge stood retired. It is submitted that the matter thus came to be transferred to the court of District Judge-1 and Additional Sessions Judge, Parbhani. It is submitted that there is no progress in the matter since last five months. It is submitted that the petitioner thus sought transfer of the matter and in the interest of justice, the matter ought to have been transferred to the court of Principal District and Sessions Judge.

5. Admittedly, the matter came to be transferred to the court of District Judge – 1 and Additional Sessions Judge, Parbhani, after the Presiding Officer, who had recorded the part evidence stood retired.

6. The petitioner has stated that he does not have faith in the court of District Judge-1 and Additional Sessions Judge, but has not spelled the reason for the said apprehension. No interference is thus called for in the impugned order. The criminal Writ Petition is dismissed.

(N. R. BORKAR)
JUDGE