

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 206 OF 2021**

Sou. Swati Vikram MalwadkarApplicant
V/s.
State of MaharashtraRespondent

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Mr. Vipin Bidkar, Advocate for the applicant.

Mr. A.R. Patil, APP for State.

Coram : Sandeep K. Shinde, J.

Monday, 25th October, 2021.

P.C. :

1. It is an application under Section 407(1)(a) of the Code of Criminal Procedure, 1973 preferred by the accused, facing the trial for the offences punishable under Sections 302, 328 and 309 of the Indian Penal Code in Sessions Case No.335/2017.

2. Prosecution led its evidence in the trial before March, 2021. Thereafter, accused examined the defence witness. Whereafter, matter was posted for final arguments. Accused sought time. It was granted. Since April, 2021 to September, 2021, accused did not remain present. Her advocate also did not attend the matter. Therefore, bailable warrant was issued against the accused. Whereafter warrant

was canceled and matter was posted for arguments. Meanwhile, in October, 2021 an application was moved seeking transfer of the trial in Sessions Case No.335/2017 to another Court on the ground that, accused has reasonable apprehension in his mind that, there would not be fair and impartial trial. The application was rejected by the learned Sessions Judge, Pune observing that the entire efforts of the accused was to delay the final arguments on the matter and for want of powers, wherefore, now he is before this Court.

3. Learned Counsel for the applicant, in support of this application, would mainly rely on ground no.(i), whereby, she would contend that the learned trial Court has not carried out appropriate corrections in the deposition recorded in English, when compared with the deposition recorded in Marathi. Barring this ground, there is no other ground urged before me to exercise jurisdiction under Section 407(1)(a) of the Criminal Procedure Code.

4. In consideration of the facts of the case and particularly, when the trial has reached the stage of final arguments, I am not inclined to entertain the application. It is rejected.