

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

CRIMINAL APPLICATION (APPLN) NO. 6 OF 2020

Ku. Anita d/o Shripatrao Sapte

...Versus...

State of Maharashtra, Through the P.S.O., Gadchiroli, Tq & Distt. Gadchiroli and
another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri C.A. Joshi, Advocate for applicant
Shri S.A. Ashirgade, A.P.P. for non-applicant/State

CORAM : VINAY JOSHI, J.

DATE : 28/09/2021

Heard.

2. The applicant is seeking transfer of Criminal Case bearing R.C.C. No. 137/2009, pending on the file of Chief Judicial Magistrate, Gadchiroli to the Court of Chief Judicial Magistrate, Pune. The applicant – lady submits that she is residing at Pune. The applicant is unmarried and looking after her old aged ailing father, who is of 88 years. It is submitted that though the case is filed in the year 2009, for last 11 years there is no progress and on umpteen occasion the applicant travelled from Pune to Gadchiroli i.e. distance of 825 k.m. approximately to attend dates. It is informed that co-accused involved in the case is also resident of Pune. Address of co-accused as stated in charge-sheet is of Pune. The applicant showed her willingness to bear the expenses of all witnesses who would appear, in case on transfer of case at Pune.

3. The learned A.P.P. made a statement that yet charge is not framed and there are 28 witnesses to be examined. Some of the witnesses are from Mumbai and rest from Gadchiroli. It reveals that for last 11 years there is no progress in trial. For long 11 years accused have attended proceeding at Gadchiroli but in vain. There would be no difficulty if applicant would deposit certain amount in advance towards expenses of witnesses. Ultimately, the purpose is to accomplish is of holding and concluding the trial which was held-up for last 11 years without progress. In view of that, it is expedient for the ends of justice to transfer the case on certain conditions. Hence the following order.

ORDER

- (i) Application stands allowed, subject to deposit of Rs. 1,00,000/- towards expenses of witnesses.
- (ii) Criminal Case bearing RCC No. 137/2009, pending on the file of Chief Judicial Magistrate, Gadchiroli is transferred to the Court of competent jurisdiction at Pune.
- (iii) Principal District Judge, Pune may assign the case to any appropriate Court.
- (iv) The applicant shall deposit an amount of Rs. 1,00,000/- in this Court within two weeks from today.
- (v) The deposit of amount is a condition precedent on which the matter shall be transferred as stated above. On deposit of amount, it shall be transmitted into the account of concerned Criminal Court.

JUDGE