

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

CRIMINAL APPLICATION [APPLN] NO. 42/2021.

Shivnarayan s/o Chhotelal Shah,
Aged about 61 years, Occupation Service,
resident of Baba Santosh Palace No.4,
Lakshari Bagh, Nagpur – 17. ... **APPLICANT.**

VERSUS

Central Bureau of Investigation,
through Superintendent of Police,
Anti Corruption Bureau, Nagpur,
Seminary Hills, Nagpur. ... **NON-APPLICANT.**

Mr. J.M. Gandhi, Advocate for the Applicant.
Ms. M.R. Chandurkar, Advocate for the Non-applicant.

CORAM : VINAY JOSHI, J.

DATE : AUGUST 06. 2021.

ORAL JUDGMENT :

Heard. **Admit.** By consent of learned Counsel present for

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the parties, the matter is taken up for final hearing.

2. The applicant who is facing trial in Special Case (CBI) No.9 of 2015 in the Court of Special Judge (Prevention of Corruption Act), Bhandara, is seeking transfer of the said case to the Competent Court at Nagpur. The transfer is sought on the ground of convenience of all the parties including the witnesses and for speedy disposal.

3. It is contended that though the case is pending from the year 2015, till date only 2 witness out of 16 have been examined at Bhandara. Much emphasis is led on the point that rest of the prosecution witnesses are from Nagpur, as well as the learned Special Prosecutor attends Bhandara Court from Nagpur. Inasmuch as, the accused is also a permanent resident of Nagpur. According to the applicant, it is inconvenient for all the parties to conduct the case at Bhandara. It is submitted that since all the witnesses and Advocates are from outside, some time they are absent which causes delay in trial.

4. The non-applicant has not denied the contention that the

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cited witnesses are from Nagpur as well as the CBI Office is based at Nagpur and the learned Special Prosecutor is also attending Bhandara Court from Nagpur. With these contentions, the non-applicant has offered its no objection to transfer the case at Nagpur.

5. Section 407[1][c] of the Code of Criminal Procedure empowers this Court to transfer a case for convenience of the parties or witnesses or is expedient for the ends of justice. The facts are undisputed, therefore, it would be in the interest of justice and would be convenient to conduct the trial at Nagpur. In view of that following order is passed.

ORDER

- (i) Criminal Application is allowed.
- (ii) Special Case (CBI) No.9/2015 is ordered to be transferred from the file of Special Judge under Prevention of Corruption Act, Bhandara for its effective disposal to the Court of competent jurisdiction at Nagpur.
- (iii) The learned Principal District and Sessions Judge, Nagpur may assign the case to either of the Court dealing with the matter concerning CBI cases.

JUDGE

Rgd.