

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.45 OF 2022

Prakash Vinayak Patil

.. Applicant

Versus

State of Maharashtra and Anr.

.. Respondents

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Mr.Anand S. Patil, Advocate the for Applicant.

Mr.A.D. Kamkhedkar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK J.

DATED : JUNE 23, 2022.

P.C. :

The applicant is tried for various offences in 11 cases pending before the Court of learned Judicial Magistrate First Class at Chandgad, Kolhapur. Undisputedly in all 11 cases the trial Court has already recorded evidence and the cases are pending for judgment.

2 The grievance of the applicant is that there is apprehension that the applicant may not get fair justice before the trial Court where the cases are pending, and, hence, the cases be transferred to any other Court. He preferred an application seeking transfer of proceedings before the Court of the Principal District Judge at Kolhapur. The application has been rejected *vide* order dated 6th October, 2021.

3 Learned advocate for the applicant has submitted that the evidence of all the cases are over and the trial Court had prolonged the decisions in the cases and they were adjourned from time to time. The applicant was in custody in one of the case and he continued to be in custody as the matters were prolonged without passing judgment by the trial Court. It is submitted that the ground for transferring the proceedings were mentioned in the application preferred by him before the Principal District Judge. Before the judgment could be delivered, the trial Court has expressed that cases would result in conviction. The applicant would not get justice before the said Court, and, therefore, cases be transferred to any other Court.

4 Learned APP submitted that there is no ground for transferring the proceedings to any other Court. The trial Court has recorded evidence in all the cases and the same are due for delivering the final judgment. The Principal District Judge has passed detailed order after calling record from the trial Court, and, rejected the application of transfer preferred by the applicant.

5 On perusal of the grounds urged in the application for transfer of cases and the submissions advanced by the learned counsel for the applicant, I do not find any reason to transfer the said proceedings from the Sessions Court to any other Court. Undisputedly,

the evidence in all cases are recorded and the matters are due for delivering the judgments. The submission that the trial Court has expressed that the accused can be convicted, is not supported by any document. In any case, the evidence is recorded and the matters are due for judgment. On perusal of the orders passed by the Principal District Judge, it is apparent that the Court has taken into consideration all the aspects and the apprehension expressed by the applicant and rejected the application for transfer. The order dated 6th October, 2021 indicate that 11 matters were kept for judgment and at this stage the applicant has filed application to transfer the matter to any other court. The allegations are made against the presiding officer. After going through the record, it is found that after completion of the arguments, there was a period of Covid-19. There was no regular Court working. The Roznama shows that the applicant was not present as he was arrested in another crime. To secure his presence, the Court has rejection his application for cancellation of bail. It cannot be treated as prejudiced mind, as the matters were at the fag end. The entire proceedings are completed. It would take another six months if the matters are transferred and there is no reason to transfer the matters to any other Court only because the applicant is apprehending that he would be convicted.

6 Undisputedly the applications were made after the evidences of all the 11 cases were recorded over. I do not find any reason to interfere in the order passed by the Principal District Judge. No ground is made out to transfer the proceedings . Hence, this application is required to be rejected.

7 Hence, I pass the following order:

:: ORDER ::

- (i) Criminal Application No.45 of 2022, is rejected and stands disposed of;
- (ii) Copy of this order be communicated to the trial Court immediately.

(PRAKASH D. NAIK, J.)