

VRJ

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

CRIMINAL APPLICATION NO.136 OF 2022

Siddharth Enterprises Through Kartik
Balaji Tangadkar ... Applicant

V/s.

Jayaom Eco Friendly Craft & Multi
Trade Private Limited & Ors. ... Respondents

Mr. Pandit Kasar for the applicant.

Mr. Anil Lulla & Mr. Pravin Pathade for the respondent.

Mr. A.D. Kamkhedkar, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 25, 2022

PC.:

1. The applicant has filed present application under section 407 of the Code of Criminal Procedure to transfer Complaint Case No.599 of 2018 pending before the learned Judicial Magistrate, First Class, Ulhasnagar to the Court of learned Judicial Magistrate, First Class, Sangamner.

2. The respondent No.1 is the company involved in the business of corrugated box and there was business transaction of purchase of goods by respondent No.1 from the applicant and towards discharge of the said liability, three (3) cheques bearing Nos, 63342, 63341, 63340 were issued. All the cheques being dishonoured, the applicant filed two (2) complaints before the

learned Judicial Magistrate, First Class, Sangamner in 2017 and one (1) complaint before the learned Judicial Magistrate, First Class, Ulhasnagar in 2018.

3. In the complaints filed before the learned Judicial Magistrate, First Class, Sangamner, the evidence has started and before the learned Judicial Magistrate, First Class, Ulhasnagar evidence of complaint is yet to start.

4. The application is, therefore, filed before this Court praying that since all three (3) cheques arise out of same transaction and the parties are same, the complaint filed at Ulhasnagar be transferred to the Court at Sangamner.

5. Having considered the nature of transaction between the parties and the nature of evidence to be led in the complaint, including the witnesses to be examined, it would be in the interest of justice that all three (3) complaints are decided by one Court. Since the evidence in the complaint before the learned Judicial Magistrate, First Class, Sangamner has already started, it would not be proper to transfer complaints from Sangamner to the Ulhasnagar but since the evidence is yet to start in a complaint pending before the learned Judicial Magistrate, First Class, Ulhasnagar, it would be in the interest of justice that the complaint at Ulhasnagar be transferred to the Court at Sangamner.

6. Hence, the following order:

a). The Criminal Complaint No.599 of 2018 pending before the learned Judicial Magistrate, Ulhasnagar is transferred to the Court of learned Judicial Magistrate, First Class, Sangamner.

b). Record of the Criminal Complaint No.599 of 2018 be sent to the Court of the learned Judicial Magistrate First Class, Sangamner within two (2) weeks from today.

7. Application stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)