

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

Criminal Application [APPLN] No.70 of 2021

Shri Vijay s/o Marotirao Kullur & another

vs.

*The State of Maharashtra, through the Police Inspector, Bhandara Police Station,
Bhandara*

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

Court's or Judge's Orders

Mr. R.S. Renu, Advocate for the Applicants.

CORAM : VINAY JOSHI, J.

DATE : 13th SEPTEMBER, 2022.

Heard.

02] The applicants, who are accused in Special Case (ACB) No.6/2018 pending on the file of Sessions Judge, Bhandara are seeking for transfer of case to the competent Court of Pune for disposal in accordance with law. Applicant No.1 was serving as Superintendent in State Excise Department. While he was posted at Bhandara, raid was conducted, he has faced Special Case (ACB) No.6/2014 for the offence punishable under Sections 7, 13(1)(e) and 13(2) of the Prevention of Corruption Act, in which he has been acquitted. However, during house search, disproportionate assets were found for which F.I.R. No.3119/2015 was registered and consequently Special Case (ACB) No. 6/2018 has been filed in the Court of Bhandara.

03] Applicant No.1 is retired from service and presently suffering from several ailments. He has produced various medical papers to show that he is embraced with several

medical problems. Applicant No.2 is wife of applicant No.1, who is accused No.2 in the case. After retirement, applicant No.1 has been settled in Pune and is under continuous treatment at Pune only. It is submitted that since the alleged disproportionate assets are within the Pune region, most of the witnesses are from Pune side only. Due to medical incapacity, applicant No.1 is unable to attend the case at Bhandara and, therefore, it has been unnecessarily prolonged. It is informed that even charge has not been framed.

04] The State though initially resisted, however, by way of additional affidavit has conceded the fact that most of the Bank Officers and the witnesses are from Pune, Karad, Kolhapur and Baramati region. Thus besides the Investigating Officer, most of the witnesses are from Pune region. In the circumstances, this is a fit case to exercise judicial discretion in terms of Section 407 of the Code of Criminal Procedure. If the case is transferred to Pune, it would serve dual purpose that the applicants would attend the case as well as it is convenient for most of the witnesses. The applicants undertake to bear fare charges of the witnesses, who are from Nagpur region.

05] In view of the above, the application is allowed. Concerned Special Case (ACB) No.6/2018 is hereby withdrawn from the file of District Judge, Bhandara and transferred to Pune.

06] The Principal District Judge, Pune, shall assign the case to any of the competent Court for disposal according to law.

07] The applicants shall deposit Bhatta and related costs of all the witnesses, who are staying out of Pune revenue jurisdiction, in the trial Court as and when directed.

08] The application stands disposed of in the above terms.

JUDGE

**sandesh*