

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

CRIMINAL APPLICATION (APPLN) NO. 78/2022

Yogesh S/o Marotrao Rehpade,
aged about 36 years, Occ. Nil,
R/o. Vitthal Mandir Ward, Chandrapur,
Tq. & Dist. Chandrapur.

... **APPLICANT**
(In Jail)

VERSUS

1. State of Maharashtra, through
Police Station Officer, Police
Station Pawni, Tq. Pawni, Dist.
Bhandara.
2. Police Station Officer, Police
Station Chandrapur City,
Chandrapur, Tq. & Dist.
Chandrapur.
3. Police Station Officer, Police
Station Gadchiroli, Tq. & Dist.
Gadchiroli.
4. Police Station Officer, Police
Station Umred, Tq and Dist.
Nagpur.
5. Police Station Officer, Police
Station Butibori, Tq. & Dist.
Nagpur.

6. Lokesh S/o Marotrao Rehpade, Aged about major, R/o. At present, District Prison, Chandrapur, (Crime Nos. 1560/2017, 671/2017, 193/2019)
7. Manoj S/o Ramdas Barsagde, aged about major, R/o. Armori, Tq. & Dist. Chandrapur (Crime Nos. 295/2017, 193/2019)
8. Sunil S/o Kashnath Yerne, aged about major, R/o. At present District Prison, Chandrapur (Crime Nos. 295/2017, 1560/2017, 193/2019)
9. Ganesh S/o Keshav Bhandekar, aged about major, R/o. Londoli, Tah. Sawali, Tq. Chandrapur (Crime No. 295/2017)
10. Mangesh S/o Vilas Giradkar Aged about Major, R/o. At present District Prison, Chandrapur (Crime Nos. 1560/2017, 671/2017, 193/2019)
11. Sudarshana w/o Yogesh Rehpade, aged about major, R/o. Atharva Nagri, Besa, Nagpur (Crime No. 1560/2017)
12. Marotrao S/o Hanbaji Rehpade, aged about major, R/o. Atharva Nagri, Besa, Nagpur. (Crime No. 1560/2017)

13. Mangla w/o Marotrao Rehpade, aged about major, R/o. Atharva Nagri, Besa, Nagpur (Crime No. 1560/2017)
14. Syed Raufuddin Kazi, Aged about major, R/o. Chandrapur (Crime No. 1560/2017)

(Non-applicant Nos. 6 to 14 have been added as per Courts order dated 18.07.2022.)

... NON-APPLICANTS.

Mr. S. K. Bhandarkar, Advocate for applicant.
 Mrs M. Deshmukh, APP for non-applicant Nos. 1 to 5.
 Mr. Anand Deshpande, Advocate for non-applicant Nos. 6, 9, 10, 11, 12, 13.
 Mr. R. M. Tahaliyani, Advocate for non-applicant No. 14.

CORAM : VINAY JOSHI, J.
DATE OF JUDGMENT : 28.09.2022.

ORAL JUDGMENT :

Heard.

2. **Admit.**

3. This application is made by applicant Yogesh Marotrao Rehpade who is happened to be principal accused in five special cases under Sections 406, 409, 420 of the Indian Penal Code read with

Section 34 of the Indian Penal Code and under the provision of Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 ('MPID Act'). Precisely Special Case No. 4/2020 is pending in the Court of Bhandara, Special Case No. 33/2020 is at Chandrapur, Special Case No. 57/2020 is at Gadchiroli, whilst Special Case No. 61/2020, 225/2020 are at Nagpur. It is submitted that the allegations levelled in all five cases are identical in nature as well as the prosecution case against accused is common.

4. It was a prosecution case that a Company namely SJSV of which the applicant was director-employee, was carrying business at different places through its branches. Several persons have invested the amount for purchasing plot and when it was not refunded, reports have been lodged at various places giving rise to above named five cases. Almost allegations in all cases are same against the respective accused.

5. The learned counsel appearing for the applicant would submit that in the course of same transaction, the deposits were accepted and thus, it is advisable to club all the cases at one place for the sake of convenience.

6. To substantiate said contention, the applicant relied on the decision of the Supreme Court in case of ***Abhishek Singh Chauhan Vs. Union of India and others***, (Writ Petition No (criminal) No. 40/2022, decided on 13.07.2022), wherein the Supreme Court has clubbed all the cases of similar nature relating to the offences under the MPID Act. Similarly ,reliance is placed on the decision of Supreme Court in cases of ***Navika Kumar Vs. Union of India and others***, (Writ Petition No. (Criminal) No. 286/2022 decided on 23.09.2022) and ***N. V. Sharma Vs. Union of India and others***, (Misc. Application No. 1238/2022) to support said contention. Moreover, my attention has been invited to the decision of this Court in case of ***Ms. Ketaki Chitale d/o Milind Chitale Vs. The State of Maharashtra and others***, (Criminal Writ Petition No. 1919/202 and other connect matter decided on 22.08.2022) to substantiate the stand.

7. Though other non-applicants who are accused in rest of the cases have been served, most of them offered no objection for transfer. Some of them remained absent despite services.

8. The State though initially resisted the application by filing reply, however, there is no dispute that all offences are arising out of same transaction and the allegations are of similar nature. Moreover, it is submitted that in none of the special case, charge has been framed.

In the circumstances, in view of above decisions, it would be advantageous to club all the cases in one Court. Upon query, the learned APP submitted that it is convenient for prosecution to club all the case at Nagpur Court.

9. In view of above, application is allowed and disposed of. Special Case No. 4/2020 pending in the Court of Bhandara, Special Case No. 33/2020 at Chandrapur, Special Case No. 57/2020 at Gadchiroli are hereby withdrawn from the respective Courts and transfer to the Special Court, at Nagpur. The learned Principal District Judge, Nagpur shall assign these cases to the appropriate Court of competent jurisdiction for its disposal according to law.

(VINAY JOSHI, J.)

Gohane

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