

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 32 OF 2023

AABAJI BHANUDAS VAIDYA
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Petitioner : Mr. Shinde Sanket S.
APP for Respondent/State : Mr. P. M. Kulkarni

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CORAM : KISHORE C. SANT, J.

DATE : 30th JANUARY 2023.

Per Court :

Heard.

1. The Writ Petition is filed challenging the order passed by the learned Sessions Judge, Jalna dated 09.12.2022 in Criminal Miscellaneous Application No.79/2022 by which the application filed by the petitioner came to be rejected. The petitioner had filed application for transfer of the Sessions Case from the Court of learned Additional Sessions Judge, Ambad to any other Sessions Court, at Ambad or Jalna.
2. The petitioner is the informant, father of deceased. On the basis

of his information, the crime came to be registered for the offence punishable under Section 302 of the Indian Penal Code. During the proceeding of the trial, he filed an application for transfer of the proceeding. It is only his apprehension that he will not get fair justice from the Court as during the course of recording the evidence of two witnesses and he felt that the Court is taking side of the accused. There is no averment in the application except above.

3. From the order impugned in this petition, it appears that submissions were made during the course of argument that the matter was serious and the say was called from learned APP. However learned APP submitted that she did not notice anything as alleged in the application. The Court recorded that merely because of the apprehension in the mind of the parties, the proceeding cannot be transferred. It is further observed that no case is made out to show any reasonable apprehension and has rejected the application. It is rightly observed by the learned Court that the apprehension is not supported by any foundational fact and no case was made out to transfer the criminal case from one Court to another Court.

4. Even before this Court, there are no averments as to exactly what made the petitioner to apprehend that he will not get fair justice at the hands of the Court. It is only his apprehension that proper evidence could not come before the Court. The further ground is that the accused is trying to manipulate the eye witnesses in the matter. Thus after hearing the argument and going through the petition, this Court finds that no case is made out for transferring the Sessions Case from the Court of learned Sessions Judge, Ambad, Dist. Jalna to any other Court.

5. With this, the Writ Petition is disposed off.

[KISHORE C. SANT, J.]

Najeib.