

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

25 CRIMINAL WRIT PETITION NO.290 OF 2023

BANWARI LAL KUSHWAH	.. Petitioner
VERSUS	
THE STATE OF MAHARASHTRA AND OTHERS	.. Respondent

...
Advocate for Petitioner : Mr. Pralhad D. Bachate
APP for Respondent – State : Mr. S.N. Morampalle
Advocate for Respondents No.12 to 20 : Mr. PP. More
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CORAM : R. M. JOSHI, J.
DATE : AUGUST 7, 2023

PER COURT :

. This petition is filed seeking transfer of a proceedings in connection with crimes registered with different police stations, which have culminated into filing of charge-sheets pending before the different Courts at Aurangabad, Solapur, Jalna, Osmanabad, Buldana, Parbhani, Wardha and Nanded.

2. Learned counsel for the petitioner states that the Hon'ble Apex Court by order dated 02.12.2022 passed in Transfer Petition (Criminal) No.453-469 of 2022 has granted liberty to the petitioner to move application for transfer before this Court. It is his

contention that considering the nature of offence and the First Information Report, which indicate that all crimes relate to similar transactions of investors depositing their amount with the company of the accused persons. He relied upon the judgment of the Division Bench of this Court in the case of **Pramod Bhaichand Raisonni and others vs. State of Maharashtra and another** [2019 (5) Mh.L.J. (Cri.) 748] wherein also it is held that in the interest of prosecution as well as the witnesses and to avoid the conflicting judgments passed by the different courts, such various cases need to be transferred to one court.

3. That the learned counsel for the respondent – informant opposed these submissions by contending that the witnesses hail from various districts and if these cases are transferred at one place, then the great inconvenience will cause to them.

4. In response to the said submission, learned counsel for the petitioner / accused states that the petitioner shall bear the expenses of the transportation / conveyance of all witnesses coming from different districts in all these proceedings who are required to appear before the Court where all these proceedings are transferred.

5. There is no denial of the fact that the offences registered against accused pertains to cheating and failure to repay deposits of common people from different districts. The offence is similar in nature in each case. Thus, in order to maintain uniformity and to avoid passing of contradictory judgments, it is in the interest of these depositors that all cases are tried before one court. The inconvenience likely to be caused to the witnesses can be taken care by directing the accused / petitioner to bear expenses of travelling and diet allowance of each witness, coming from any place outside city of Aurangabad.

6. Learned counsel for the respondents though has objected for the transfer, however he states that if the court is inclined to transfer all these cases to one place, the same shall be transferred to Aurangabad.

7. In view of above, following order is passed.

ORDER

(i) All the crime number / cases mentioned in table below be transferred to learned Chief Judicial Magistrate, Aurangabad.

Sr. No.	Cr. No.	Police Station	Charge-sheet No.	Case No.	Matter pending before the Court
1.	255/2018	Foujdar Chandi P.S. Solapur	363/2019	MAHA.P.I.D. 1999 3/2019	Addl. Sessions Judge, Solapur
2.	120/2018	Kadim Jalna		MAHA P.I.D. 1999 5/2018	Addl. Sessions Judge, Jalna
3.	430/2018	Anandnagar Osmanabad	64/2021	Spl. Case 103/2022	
4.	70/2018	Buldhana City P.S. Buldhana			
5.	132/2018	Purna P.S., Parbhani	262/1/2021	Spl.Case No. 137/2021	Addl. Sessions Judge, Parbhani
6.	9/2018	New Mondha, Parbhani	330/1/2021	Spl. Case No. 136/2021	Addl. Sessions Judge, Parbhani
7.	876/2018	Ramnagar Wardha	16/2022	Spl. Case No.23/2022	Addl. Sessions Judge, Wardha
8.	185/2018	Shivaji Nagar Nanded			
9.	191/2016	Bori Parbhani	53/2022	MAHA P.I.D. 1999 117/2017	Addl. Sessions Judge, Parbhani

(ii) The petitioner / accused to bear the expenses of conveyance / transportation of the witnesses (actual) and diet allowance (as per order of Trial Court) who will be required to attend the proceedings from any place other than city of Aurangabad.

(iii) Petition is allowed in the aforesaid terms.

[R. M. JOSHI]
JUDGE

GGP