

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2925 OF 2022

Gamtidas Vyankat Kale
and others

.... Applicants

Versus

The State of Maharashtra
and others

.... Respondents

.....
Mr. Eklavya S. Potdar, Advocate for the applicants
Mr. A.V. Deshmukh, APP for Respondent No.1 – State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 17th JANUARY, 2023

ORDER :

1. By this application under section 407 read with section 482 of the Code of Criminal Procedure, the applicants seek transfer of Sessions Case No. 11 of 2019 from Vaijapur to any other Sessions Court, any other District or city.

2. Learned advocate for the applicants submits that two persons belonging to a particular community were murdered by mob of more than 400 villagers. All the accused persons are influential, and the applicant may not get fair and impartial trial, if the trial is conducted at Vaijapur. According to him, even the investigation is not properly conducted.

He, therefore, submits that the trial may be transferred from Vaijapur to any other District, where the accused persons are not influential. Further submission is, the accused persons are openly stating that trial may be decided in their favour. He, therefore, seeks transfer of the trial from District Vaijapur.

3. The apprehension of the applicant is not well-founded, and there is no material on record to justify the said apprehension. Merely because of the applicant is of the view that he may not get fair trial because accused persons are influential cannot be a ground for transfer the trial from Vaijapur to other District or city. The Presiding Officer at Vaijapur is an independent person, and he will impartially deal with the matter. No ground is made out by the applicant for transfer of the trial. Application is therefore rejected.

4. Trial is expedited.

[NITIN B. SURYAWANSHI]
JUDGE

S.P Rane