

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1875 OF 2022

Bhausahab Chabu Chavan

...Petitioner

Versus

The State of Maharashtra and Others

...Respondents

Mr. S.T.Pandey a/w. Mr. Arvind Singh, Ms. Angella Singha, Ms. Anima Mishra, Ms. Kajal Upadhyay and Ms. Ritu Singh i/b. SBG Law for the Petitioner.

Ms. P. P. Shinde, APP for the State.

CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.

DATE : 4th JULY 2023

P. C. :

1. Heard learned counsel for the petitioner and the learned APP for the State.

2. By this petition the petitioner seeks the following substantive relief :

“(a) This Hon’ble Court may be pleased to issue appropriate writ or direction to transfer the entire

proceedings of the 18 cases (details of which are given in paragraph 28 of this petition) registered under the provisions of Indian Penal Code and The Maharashtra Protection of Interest of Depositors Act (MPID ACT, 1999) in which the petitioner is arraigned as one of the accused, to Nashik to be tried by special Court constituted under the provisions of MPID Act or to any other courts as deemed fit and proper by this Hon'ble Court.

3. Perused the papers. In paragraph 20 of the petition, the petitioner has given details of the 18 cases lodged against him in different police stations i.e. at Parbhani, Aurangabad, Nanded, Hingoli, Beed, Jalna and Buldhana. By this petition, the petitioner seeks transfer of all these 18 cases to Nashik i.e. where the first case was registered against the petitioner and which is pending before the Nashik Court and in which, about 8000 witnesses are to be examined. In all the 18 cases registered with different police stations i.e. at Parbhani, Aurangabad, Nanded, Hingoli, Beed, Jalna and Buldhana, the sections alleged are offences under the Indian Penal Court and also under the MPID Act.

4. We are informed by the learned APP, that out of the 18 cases, 12 cases are at the final stage i.e. at the stage of recording of the evidence of the investigating officer, and 6 cases are at different stages, in some charge has been framed and in some charge is yet to be framed.

5. It is not in dispute, that there are about 8 accused in each of the said 18 cases. Out of the said 8 accused, only one accused i.e. the petitioner has approached this court seeking transfer of the 18 cases from all the aforesaid places to Nashik, where the first MPID case was filed and in which case maximum number of witnesses have been cited.

6. Considering that 12 of the said cases are at the final stage and considering that there are other accused who are also facing trial in the said 18 cases, it would not be appropriate to entertain the petition, only at the behest of one accused i.e. the petitioner, seeking transfer of the 18 cases to Nashik. The convenience of all parties, the stage of the trial, the facts, and also the convenience of the witnesses

would have to be borne in mind while considering whether, the 18 cases need to be transferred to Nashik, as prayed for.

7. In the facts and for the reasons stated aforesaid, the petition being devoid of merit stands dismissed.

GAURI GODSE, J.

REVATI MOHITE DERE, J.