

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.403 OF 2023

Shree Radhey Trading Co. Through Its
Proprietor Ramesh Nagpal ... Applicant

V/s.

The State of Maharashtra & Anr. ... Respondents

Mr. Rishi Bhuta with Mr. Yadav P. R. i/by Mr. Saumitra
Salunke for the applicant.

Ms. M.R. Tidke, APP for the respondent No.1/State.

Mr. Yashpal Thakur with Adv. Jalpa Shah i/by MZM
Legal LLP for the respondent No.2.

CORAM : AMIT BORKAR, J.

DATED : APRIL 28, 2023

P.C.:

1. The applicant who is accused in a proceedings under section 138 of the Negotiable Instruments Act, 1881 is seeking transfer of appeal arising out of conviction to be placed before the same Court trying proceedings under the PMLA Act and the MPID Act. According to the applicant, the appeal is pending in Court Room No.54 and the trial of the MPID and the MPLA offences is pending before the Court No.52. Therefore, it is necessary in the interest of justice to transfer the proceedings before the same Court.

2. It is not in dispute that the trial of proceedings under section

138 is over and what is pending is appeal arising out of said conviction. Such conviction has no consequence on the trial to be conducted under the provisions of the PMLA Act and the MPID Act. The trial of section 138 of the Negotiable Instruments Act, 1881 is already over, there is no possibility of conflicting findings. Hence, the criminal application cannot be entertained. The same is rejected. No costs.

(AMIT BORKAR, J.)