

GRM

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

**CRIMINAL APPLICATION NO. 1309 OF 2022
WITH
CRIMINAL APPLICATION NO. 1403 OF 2022
WITH
CRIMINAL APPLICATION NO. 1405 OF 2022
WITH
CRIMINAL APPLICATION NO. 1406 OF 2022
WITH
CRIMINAL APPLICATION NO. 1407 OF 2022
WITH
CRIMINAL APPLICATION NO. 1408 OF 2022**

Mr. Jayesh Ramniklal Dedhia ... Applicant

V/s.

The State of Maharashtra & Anr. ... Respondents

Mr. Ashish Raghuvanshi a/w Mr. Pariket Shah, Adv. for the Applicant.

Mr. M. G. Patil, APP for the State/Respondent No. 1.

CORAM : R. G. AVACHAT, J.

DATED : JANUARY 6, 2023

P.C. :

Heard.

1. The challenge in these applications is to the order dated 23/11/2022 of learned Sessions Court in Criminal Misc. Application No. 2090/2022 rejecting transfer of the proceedings.
2. Perused the order impugned herein. It is found to be well reasoned.

3. Learned Advocate for the applicant would submit that the applicant is seeking relief in the nature of transfer of proceedings from the Court of learned Metropolitan Magistrate to the learned Special Court for MPID cases. The proceedings before learned Metropolitan Magistrate was in the nature of complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short “**NI Act**”). The applicant herein is arraigned as an accused in MPID case and transaction being of a similar nature. Hence, the proceedings under Section 138 of NI Act can be transferred to the learned Special Court for MPID cases. Since the MPID Act prescribes that in order to fulfill the return of amount to the investors and the main purpose of the proceedings under Section 138 of NI Act being recovery of dues, the complainant’s best interest would be served, if the proceedings are transferred to the learned Special Court for MPID cases.

4. After hearing learned Advocate for the applicant at length, the Court expressed disinclination even for issuance of the notice.

5. Learned Advocate for the applicant, for taking instructions, prayed to keep the matter back for some time. After appearing again, on instructions, he prayed to withdraw the applications.

6. In view of the same, the applications stand disposed of as withdrawn.

(R. G. AVACHAT, J.)