



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 616 OF 2024

QUAZI JAWEED S/O MOHAMMAD SHARIFUDDIN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. Rajendra H. Wagh, Advocate for the Petitioner
Mr. R.B. Dhaware, APP for Respondent No.1/State
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 01st APRIL, 2024

PER COURT :

1. By this petition filed under Article 226 and 227 of Constitution of India and Section 482 of Code of Criminal Procedure, petitioner challenges order dated 13/10/2023, passed by learned Principal District Judge, Aurangabad, in Criminal Misc. Application No.363/2023, thereby allowing application filed by respondent No.2 wife and transferring R.C.C. No.1648/2018, pending on the file of learned Judicial Magistrate First Class, Court No.9, Aurangabad, to the file of learned Judicial Magistrate First Class, Court No.3, Aurangabad, for disposal in accordance with law.

2. Criminal Misc. Application No.363/2023 was filed by second respondent contending that learned Judicial Magistrate First Class, Court No.9, has skipped to examine parents of respondent No.2 and directly called investigating officer, due to which respondent No.2 has lost faith in the said Court. Accepting said

statement, learned Principal District Judge has transferred the case from Court No.9 to Court No.3.

3. Learned advocate for petitioner submits that by misleading learned Principal District Judge, said order is obtained. There appears no merit in said submission, in as much as learned Principal District Judge has not gone into the merits of the matter and petitioner has failed to point out as to what prejudice is caused to him by such transfer.

4. It is settled position of law that justice should not only be done, but it should be seen to be done. The transfer order passed by learned Principal District Judge appears to be justified in the facts of the present case. No prejudice is caused to petitioner by the said order. Writ petition being devoid of merit is dismissed.

(NITIN B. SURYAWANSHI, J.)