



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

12 CRIMINAL WRIT PETITION NO. 1430 OF 2024

SUSHILABAI ANNA KAMBLE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. Yogesh A. Jadhav, Advocate for the Petitioner

Mr. N. D. Batule, APP for Respondents State

CORAM : Y. G. KHOBRADE, J.

Dated : 7th October, 2024

PER COURT :-

1. Heard Mr. Jadhav, the learned counsel for the Petitioner.

Mr. N. D. Batule, the learned APP waives service for the Respondent No.1 State.

2. Having regard to submissions canvassed on behalf of the petitioner and the learned APP, I have gone through the record.

3. By the present Petition, the Petitioner challenges the order dated 22.11.2023 passed by the learned Principal District Judge, Jalgaon, in Criminal Misc. Application No. 154 of 2023 whereby, Misc. Application for transfer of trial of Special Case No.12 of 2018 from the file of the District Judge-2 & Additional Sessions Judge, Jalgaon to any other Court has been rejected, however directed to conclude the trial as early as possible.

4. The learned counsel appearing for the Petitioner/informant submits that, on 06.11.2027, the Petitioner lodged a report with the Police Station, Mehunbare, District Jalgaon, on which basis, Crime No.105 of 2017 was registered against Respondent No.2 for the offences punishable under Section 354-A of the Indian Penal Code and Sections 3(1)(r)(s)(w)(i) of the SC & ST (Prevention of Atrocities) Act, 1989. However, the Investigation Officer has not conducted investigation properly and failed to collect the sufficient evidence. Therefore, the Petitioner filed Exh. 36, an application and prayed for issuance of direction to conduct further investigation and to collect substantial evidence, however, said application yet not been decided. Therefore, the present Petitioner filed Cri. Misc. Application No. 154 of 2023 before the learned Principal District Judge and prayed for transfer of said proceeding to any other Court from the file of learned District Judge-2 & Additional Sessions Judge, Jalgaon.

5. Needless to say that, on 22.11.2023, the learned Principal District Judge, Jalgaon passed the impugned order and recorded findings that, on 11.08.2018, the investigating officer has filed a charge sheet after due investigation. Thereafter, on 12.04.2022, the learned Special Court framed charge against Respondent

No.2. Thereafter, though the Court issued witness summons to the present Petitioner/informant but she remained absent inspite of service of witness summons. Thereafter, first time on 22.02.2023, the Petitioner has filed Exh. 36 an Application praying further investigation in the crime.

6. Since the present Petitioner/victim filed the application for transfer of trial of Special Case No. 12 of 2018 which has been rejected by the learned Principal District Judge but directed to decide the Application Exh. 36 as early as possible and take appropriate steps to record evidence, I do not find that the impugned order is illegal, bad in law. Therefore, no interference is called for at the hands of this Court.

7. The learned Special Court is hereby directed to decide application Exh. 36 on it's merit and then to conclude the trial as early as possible. With above observation, this Petition is disposed off. No order as to cost.

(Y. G. KHOBRADE, J.)