



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 162 OF 2019

Abdul Khadar Babusab Nadaf & Anr.

...Applicants

Versus

The State of Maharashtra & Anr.

...Respondents

None for the Applicants.

Ms. Veera Shinde, APP for the Respondent-State.

CORAM : MADHAV J. JAMDAR, J.

DATED : 16th JANUARY 2024

P. C.

1. By the present Criminal Application, the Applicants are seeking transfer of Sessions Case No.55 of 2016 pending before the learned 1st Additional Sessions Court, Ichalkaranji to any other Sessions Court and preferably to Solapur or Sangli.

2. The main contention of the Applicants is recorded in order dated 15th April 2019 passed by a learned Single Judge. By said order dated 15th April 2019, the trial before the learned Judge is stayed. The allegations are concerning bias attitude of the learned Sessions Judge before whom the said Sessions Case is pending. The other allegation is that the Complainant is influential person.

3. The present Application was listed before learned Single Judge on 20th November 2019 and the same was adjourned to 27th November 2019 as a last chance. By order dated 18th December 2019, another learned Single Judge has observed that again learned Advocate has remained absent after requesting for kept back and therefore, by way of indulgence, granted one more chance and adjourned the same to 13th January 2020. Thereafter, the matter has been listed after about 4 years i.e. on 11th January 2024 and the same was kept on 12th January 2024. On 12th January 2024, as none appeared for the Applicants, the same was kept on 16th January 2024 at 2.30 p.m. On 16th January 2024, i.e. today none appears for the Applicants.

4. As submissions were made as recorded in order dated 15th April 2019 with respect to bias attitude of the learned Sessions Judge, the same will not be now relevant, assuming the same to be correct. The Judicial Officers are transferred after every 3 years and therefore, the learned Sessions Judge may not be Presiding Judge in the said Court.

5. It is significant to note that Sessions Case is of the year 2016, the trial of the said case has been stayed by order dated 15th April 2019 and the Roznama shows that thereafter, the learned Advocate

appearing for the Applicants in this Criminal Application has almost on all the occasions failed to appear or to show reluctance to go-ahead with the matter.

6. Accordingly, the Criminal Application is dismissed.

7. The stay granted by order dated 15th April 2019 stands vacated forthwith.

[MADHAV J. JAMDAR, J.]