

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

CRIMINAL APPLICATION NO. 294 OF 2024

Amit Shyam Pendhari

... Applicant

vs.

State of Maharashtra and Ors.

... Respondents

**WITH
CRIMINAL APPLICATION NO. 295 OF 2024**

Ramakant Ranjan Khambe

... Applicant

vs.

State of Maharashtra and Ors.

... Respondents

Adv. Amit Arvind Katarnaware a/w. Adv. Karuna Wagh and Adv. Amarnath Boudul :-	Advocates for Applicant in both Applications.
Mr. H. J. Dedhia :-	APP for Respondent-State in Criminal Application No. 294 of 2024.
Mr. A. S. Gawai :-	APP for Respondent-State in Criminal Application No. 295 of 2024.
Mr. Pramod Badakh, P.I. :-	Amothe Police Station.

CORAM : S. M. MODAK, J.

DATE : 6th SEPTEMBER 2024

Kishor

This order is modified as per order dated 13th September 2024

P.C. :-

1. Head learned Advocate Mr. Katarnaware for Applicant in both the Applications. He is requesting for transfer of the proceedings which are pending before the Additional Sessions Judge, Vasai to Sessions Court, Panvel.

2. All the proceedings are pending under provisions of Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act, 1989 with Amendment Act 2015. On two grounds these transfer Applications are filed.

- (i) The matters are not heard expeditiously;
- (ii) There is no facility of video recording available in Vasai Court whereas it is available in Panvel Court.

3. Learned APP for Respondent No. 1 - State opposed the applications on the ground of maintainability. It is for the reasons :-

- (i) Such application for expeditious hearing was not made before the Vasai Court.
- (ii) Such application ought to have been made under Section 407(2) of Cr.P.C. before the Sessions Judge.

4. Second objection is not correct, because this is inter district transfer. In view of that, following order is passed :-

ORDER

- (i) In Criminal Application No. 294 of 2024, notice be issued to Respondent Nos.2, 3, 4 and 5 and in Criminal Application No. 295 of 2024, notice be issued to Respondent Nos. 2, 3 and 4.
- (ii) Let the report be called from the Court of Additional Sessions Judge, Vasai and from Panvel Court about availability of video recording of the proceedings arising out SC and ST Prevention of Atrocities Act.

[S. M. MODAK, J.]

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