



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Writ Petition (WP) No. 83 of 2024

Dr. Suresh S/o Annappa Dhotre

Versus

The State of Maharashtra, through its Police Station Officer, Murtizapur
Police Station, Akola through CID Crimes and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Anil Mardikar, Senior Advocate assisted by Shri
S.G.Joshi, Advocate for the petitioner.

Shri D.V.Chauhan, Public Prosecutor for the respondent nos. `1 to 3.

Ms. Garima Jain, Advocate h/f Shri S.V.Sirpurkar, Advocate
for the respondent nos. 13, 18 to 22.

Shri Archana Lanjewar, Advocate for the respondent no.27

Shri R. Siddharth, Advocate for the respondent no.27.

**CORAM : SMT. VIBHA KANKANWADI &
MRS. VRUSHALI V. JOSHI, JJ.**

DATED : 22nd JULY, 2024.

Heard Shri Anil Mardikar, learned, Senior Advocate
instructed by Shri S.G.Joshi, learned advocate for the petitioner and
Shri Devendra Chauhan, learned Public Prosecutor for the
respondent nos. 1 to 3.

2. Learned Senior Counsel relies on Dhyan Investments
and Trading Company Limited Vs. Central Bureau of Investigation

and others; reported in 2001(6) SCC 607, wherein it has been held that for Special Courts under special enactment Section 407 of the Code of Criminal Procedure will not apply and therefore the petitioner has invoked the writ jurisdiction of this Court under Articles 226 and 227 of the Constitution of India.

3. Learned Public Prosecutor relies on Radhey Shyam and another Vs. Chhabi Nath and others with connected matters reported in 2015(5) SCC 423 and submits that the petition would be under Article 227 of the Constitution of India and Section 407 of the Code of Criminal Procedure, if the petitioner wants to seek transfer of the trial.

4. Basically, we are concerned with whether the Division Bench can take up this matter when the petitioner wants to get his matter transferred from Akola to Amravati or vice-versa.

5. Certainly, under the said circumstance, Article 226 of the Constitution of India will not be applicable and we need not go much into the details, but then the petition would lie under Article 227 of the Constitution of India and Section 407 of the Code of Criminal Procedure. Section 22 of the Prevention of Corruption Act gives limited jurisdiction as regards application of Code of Criminal Procedure is concerned. Specific sections have been given to which it is said that, with modification it would be applicable, yet the matter would lie before the Single Bench and, therefore, the Registry is

directed to put up the matter before the Single Bench and remove it from the board of this Bench.

6. Till then, interim order, if any, to continue.

[MRS. VRUSHALI V. JOSHI, J.] [SMT. VIBHA KANKANWADI, J.]