



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 289 OF 2025
WITH
CRIMINAL APPLICATION NO. 3589 OF 2025

Manda Shivaji Take

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....

Mr. S.G. Ladda, Advocate for the applicant

Ms A.S. Deshmukh, A.P.P. for the respondent – State

Mr. Tushar Shinde, Advocate for intervenor

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CORAM : ABHAY J. MANTRI, J.

DATE : 18th SEPTEMBER, 2025

PER COURT :

Criminal Application NO. 3589 OF 2025 :-

Not on board. Mr. Tushar Shinde, learned counsel for the intervenor, across the bar, tenders this application to permit him to intervene in the proceedings and hearing of Criminal Revision Application No. 289 of 2025, for which Mr. Ladda, learned counsel for the applicant, has given no objection. Therefore, the same is taken on record. The office is directed to register the same.

2. It is pertinent to note that the learned counsel for the applicant has given no objection to permit the intervenor as a party respondent No.2 and allow the said application; in view of the same, the application for

intervention is allowed as prayed, and the intervener is permitted to intervene in the matter as the respondent No.2. Applicant, is directed to add the intervener as Respondent No.2 in the matter forthwith.

Criminal Revision Application NO. 289 OF 2025 :-

1. Heard learned counsel for the applicant as well as learned A.P.P for Respondent No.1 – State and learned counsel for Respondent No.2 – intervener, at length.
2. After a lengthy argument, the Court asked some questions to learned A.P.P and learned counsel for Respondent No.2. At that time, both submitted that they have no objection to transferring the matter to District Judge-1, Newasa. However, they urged that the learned Additional Sessions Judge be directed to expedite the trial.
3. On instructions, the learned counsel for the applicant undertakes that he will not seek unnecessary adjournments in the matter. Similarly, learned A.P.P and learned counsel for Respondent No.2 submitted that they will conduct the trial twice a month and will not seek unnecessary adjournments. The learned Additional Sessions Judge has to consider the reasons stated in the application and take the appropriate decision.
4. In view of above submissions as well as the settled position of law that learned Sessions Judge is not empowered to transfer the part-heard matter and even though when it was brought to her notice that she has to

reassign/retransfer the matter to the said learned Judge who had commenced the proceedings, however, the learned Sessions Judge, without considering the settled legal position of law and the mandate in Section 409(2) and (3) of the Code of Criminal Procedure, has rejected the application moved by the accused persons. Having considered the above, in my view, the said order needs to be set aside.

5. As a result, the Criminal revision application is allowed. The impugned order dated 02nd September, 2025, passed by the learned Sessions Judge, Ahmednagar, in criminal M.A. No.162/2025 is hereby set aside. The transfer application bearing criminal M.A. No.162/2025 filed by the applicant/accused is allowed. As a sequel, the Sessions Case No. 12 of 2020 be transferred/reassigned to learned Additional Sessions Judge-1, Newasa (Mr. H.R. Waghmare), from learned Additional Sessions Judge-2, Newasa, before whom the matter was commenced. In view of the statement of learned counsel for the parties that they will conduct the trial twice a month, as well as the direction of the learned Sessions Judge, Ahmednagar, in clause 2 of the operative part of the impugned order, the learned Additional Sessions Judge-1, Newasa, is expected to conduct the trial twice a month as per the convenience of the parties and Court.

6. It is made clear that since 2020, Accused Nos. 1 and 4 have been in jail. Therefore, it would be expected to dispose of the matter as early as possible, preferably within one year of receiving this order by the learned

Additional Sessions Judge-1. It is also brought to the notice of this Court by learned counsel for the parties that the trial is fixed on 22nd September, 2025, and they are ready to work out the matter on the said date before the learned Additional Sessions Judge-1. Accordingly, a criminal revision application is allowed and disposed of.

Inform the order to the learned Additional Sessions Judge-1 and 2, Newasa, and the learned Sessions Judge, Ahmednagar, by the respective counsel for the parties.

(ABHAY J. MANTRI, J.)

SSD