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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 CRIMINAL APPLICATION NO. 3765 OF 2025

FULCHAND BHAGWAN KHADE
VERSUS
RAJLAXMI INFRATECH THROUGH ITS PROPRIETOR VISHAL
MANOHARRAO BUDHWANT

Ms.Akshara Madke, Advocate for the applicant.
Mr.S.G.Jadhavar, Advocate for the sole respondent.

(CORAM : SUSHIL M. GHODESWAR, J.)

DATE : 23 DECEMBER, 2025

PER COURT :

1. Heard the learned Advocates for the respective parties.
2. This application has been filed for transferring SCC No.725/2024 pending before the learned J.M.F.C., Parbhani, which is filed by the respondent u/s 138 of the N.I.Act. According to the learned Advocate for the applicant, the applicant is suffering from 64 percent physical disability. He is resident of Beed City. Therefore she is praying for transferring the aforesaid pending case before the learned J.M.F.C.at Beed, in order to attend the day to day proceedings. She has

also relied upon the judgment delivered by the Hon'ble Supreme Court in **Rakesh Kumar Kalra deaf Divyant Vs. State Government of NCT Delhi [(2023) 6 High Court Cases (Del) 668]**. She has further submitted that the case which is pending before the Parbhani Court, is at the stage of recording evidence of the parties and it would be very appropriate for the applicant, being a physically disabled person, if the said case is transferred to the learned J.M.F.C. Court, Beed.

3. Per contra, the learned Advocate Mr.Jadhavar for the respondent strongly opposed the instant application. According to him, the applicant is an accused in the case, which is pending before Parbhani Court. He further submits that the transfer of cases may not be entertained at the behest of accused/applicant. In support of his submissions, he has relied upon the order passed by the Hon'ble Apex Court in **Kasthuripandain S. Vs. RBL Bank Limited in Transfer Petition (s) (Criminal) No.515/2014, dated 24.06.2024**. Bare perusal of the said order discloses that the Hon'ble Apex Court has refused to entertain the transfer of complaint u/s 138 of the N.I.Act at the behest of the accused and further observed that the accused therein can always apply for grant of exemption from personal appearance before the

concerned Court. According to the learned Advocate for the respondent, in this case also the applicant can apply for seeking exemption from personal appearance before the learned J.M.F.C. Parbhani. Moreover, the applicant can also avail the facility of video conferencing in the event his presence is required.

4. Hence in that view of the matter, it is observed that the presence of the applicant can be secured through video conferencing. The applicant is at liberty to approach to the learned J.M.F.C. Parbhani for availing the facility of video conferencing to attend the proceedings pending at Parbhani Court in SCC No.725/2024.

5. In view of the above terms, the petition is disposed of. The proceeding SCC No.725/2024 pending before the learned J.M.F.C.,Parbhani is expedited and be disposed of within a period of 6 months.

(SUSHIL M. GHODESWAR, J.)