

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.474 OF 2024

Sarfraj Khalil Pathan

...Applicant

Versus

The State of Maharashtra & Ors.

...Respondents

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Mr. Lokesh Zade, for the Applicant.

Mr. S. S. Ghag, APP, for the Respondent – State.

CORAM: MADHAV J. JAMDAR, J.

DATED: 28 JANUARY 2025

P.C.:

- 1.** Heard Mr. Zade, learned Counsel, who has been appointed by the High Court Legal Services Committee, Mumbai to represent the Applicant.
- 2.** The present Criminal Application filed under Section 407 of the *Code of Criminal Procedure, 1973* seeks transfer of RCC No.972 of 2022 from the file of the Court of learned 2nd Judicial Magistrate First Class, Satara to the file of any other Judge, Satara at Satara.
- 3.** Mr. Zade, learned Counsel for the Applicant submits that the learned Judge has granted several adjournments to the Respondents i.e. accused and therefore the Application has been filed for transfer. He therefore submitted that the relief sought in the present Application be granted.

4. However, perusal of the record shows that the same request was made by filing Criminal Misc. Application No.31 of 2024 before the learned Sessions Judge, Satara. By Order dated 1st June 2024, the said Application was dismissed. The learned Sessions Court, while dismissing the Application, has observed that merely time has been sought by some accused and the same has been granted cannot be a ground for transfer. The learned Sessions Court has rightly held that time has been sought and granted on many occasions cannot be a valid ground for transfer a case.

5. Accordingly, the Criminal Application is dismissed, however, with no order as to costs.

[MADHAV J. JAMDAR, J.]