

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.4919 OF 2024

Shubhangi Kashinath Mokal	...Petitioner
<i>Versus</i>	
The State of Maharashtra & Ors.	...Respondents

Mr. B.G. Tangsali, Advocate for Petitioner.
Ms.Shilpa Talhar, APP for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 15th JANUARY 2025

P.C.:

1. Heard Mr. Tangsali, learned Counsel appearing for the Petitioner and Ms. Shilpa Talhar, learned APP for the Respondent-State.

2. In this Writ Petition, the challenge is to the legality and validity of the Order dated 16th July 2024 passed by the learned Sessions Judge, Raigad-Alibag in Criminal Miscellaneous Application No.99 of 2024. The said Application was filed under Section 408 of the Code of Criminal Procedure, 1973 seeking transfer of Sessions Case No.125/2012 from the Court of District Judge-3 and Additional Sessions Judge to any other Court.

3. The main contention of the Petitioner was that the Petitioner's father was examined as witness in said Sessions Case No.125 of 2012 and when he was narrating about facts of some other case than the subject criminal case, the learned Trial Court has not allowed to lead that part of the evidence.

4. The learned Sessions Judge while rejecting the said Application for transfer has observed that if the witness is not allowed by the Court to depose certain facts, the prosecutor was having remedy to apply before the Court for allowing the questions in that respect. It is further observed that only on the ground that the Court has not allowed the witness to depose some facts it cannot be said that the Court is bias or the Petitioner will not get any justice from the said Court particularly when the complainant has no complaint in respect of recording of her evidence by the said Court.

5. The said reasoning given by the learned Sessions Judge is proper. It is settled legal position that the Court has passed some order against one party cannot be a ground of transfer and the same does not mean that the Court is bias.

6. Accordingly, the Writ Petition is dismissed, however, with no order as to costs.

(MADHAV J. JAMDAR, J.)

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