

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1 OF 2025

Versatile Alucast Private Limited & Ors. ...Applicants

Versus

M/s. India Tech Metals
through its Authorized Representative
Mr. Prasad Giri & Ors. ...Respondents

Mr. Anand S. Patil, for the Applicant.
Mr. Rajiv Hingu a/w. Mr. Deepraj Shetye, for the Respondent No.1.
Ms. Anuja Gotad, APP, for the Respondent No.3-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 7th FEBRUARY 2025

PC:-

1. Heard Mr. Anand Patil, learned Counsel appearing for the Applicants, Mr. Rajiv Hingu, learned Counsel appearing for the Respondent No.1 and Ms. Anuja Gotad, learned APP for the Respondent No.3-State.

2. By the present Criminal Application filed under Sections 447 and 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023, the Applicants are seeking the following reliefs :

“(a) This Hon'ble Court may be pleased to transfer Summ. Cri. Case No. 3688/SS/2023 pending on the file of Ld. Metropolitan Magistrate, 33rd Court, Ballard Pier, Mumbai & Summ. Cri. Case No. 168/2024 pending on the file of Ld. JMFC, Khed, Rajgurunagar, at Pune to any court either in Mumbai or at Khed, Rajgurunagar, Pune AND/OR to any other court on such terms & conditions as this Hon'ble Court may deem fit & proper.”

3. Perusal of the record shows that the Respondent No.1 has filed complaint bearing C.C. No.3688/SS/2023 on 15th December 2023 in the Court of learned Metropolitan Magistrate, 33rd Court, Ballard Pier, Mumbai under Section 138 read with Section 141 of the Negotiable Instrument Act, 1881 (“**NI Act**”).

4. It is the contention of Mr. Anand Patil, learned Counsel appearing for the Applicants that another criminal complaint on the basis of the same transaction has been filed being S.C.C. No.168 of 2024 in the Court of learned Judicial Magistrate First Class, Khed, Rajgurunagar at Pune. The said complaint has been filed on 24th October 2024. The said complaint is also filed under Sections 138 and 141 of the NI Act.

5. The above cases are filed at the Court of learned Metropolitan Magistrate, 33rd Court, Ballard Pier, Mumbai and in the Court of learned J.M.F.C., Khed Rajgurunagar at Pune respectively. In this Application relief sought is to transfer the case to either of these Courts i.e. at Ballard Pier, Mumbai or Khed, Rajgurunagar at Pune.

6. It is an admitted position that the Applicant Nos.2 and 3 are residents of Kolhapur, whereas Applicant No.1 -Company is also having registered office at Kolhapur. The Respondent No.1 is having address at Vashi, Navi Mumbai. Thus, considering the overall facts and circumstances of this case, the case being S.C.C. No.168 of 2024 pending in the Court of learned J.M.F.C., Khed, Rajgurunagar at Pune is required to be transferred to the Court of learned Metropolitan Magistrate, 33rd Court, Ballard Pier, Mumbai. However, learned Counsel appearing for the Respondent No.1 states that the said Court at Ballard Pier, Mumbai has now been shifted to Mazgaon Court.

7. Accordingly, the said case S.C.C. No.168 of 2024 pending in the Court of learned J.M.F.C., Khed, Rajgurunagar at Pune is

transferred to the concerned Court of learned Metropolitan Magistrate, Ballard Pier, Mumbai at Mazgaon where C.C. No.3688/SS/2023 is pending.

8. Accordingly, the Criminal Application is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]

SONALI
MILIND
PATIL

Digitally
signed by
SONALI
MILIND
PATIL
Date:
2025.02.11
11:33:15
+0530