



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**CRIMINAL WRIT PETITION NO.724 OF 2023**

Sanjay Yashwant Dethe and others .Vs. State of Maharashtra and another

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Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

Court's or Judge's Order

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Shri Mir Nagman Ali, Advocate for petitioners.

Ms Prachi Joshi, A.P.P. for respondent/State.

Shri S.C. Bhalerao, Advocate for respondent No.2.

**CORAM : ANIL S. KILOR, J.**

**DATED : 18/02/2025**

1. Heard.

2. The transfer of Session Trial No.16 of 2019 from the Court of District Judge-2 and Additional Sessions Judge, Darwaha to the file of District Judge-1 and Additional Sessions Judge, Darwaha vide order dated 21.07.20214, is under challenge in this writ petition.

3. From the record, it is evident that in the middle of recording of the evidence, the matter was transferred to District Judge-1 and Additional Sessions Judge, Darwaha. The Judge who recorded the evidence was available and for no valid reasons, it was transferred from District Judge-1 and Additional Sessions Judge, Darwaha to District Judge-2 and Additional Sessions Judge, Darwaha.

4. In similar matter, the Coordinate Bench of this Court in the case of *Pradeep ..vs.. State of Maharashtra and ors*, in Criminal Revision Application No.181 of 1988 decided on 25.11.1988, refused to invoke inherent jurisdiction. This Court in paragraph-5 of the said case has observed thus:-

*“5. The learned Sessions Judge found that in both the aforesaid cases the evidence of the complainant stands and recorded in one of the cases the evidence of one more witness was also recorded by the Presiding Officer. Hence it would be appropriate for the very Court, which recorded part of the evidence, to dispose of either of the criminal cases. Since the 8<sup>th</sup> Joint Civil Judge (Junior Division) and Judicial Magistrate First Class, Amravati, who had recorded part of the evidence, is transferred and designated as 4<sup>th</sup> Joint Civil Judge (Junior Division) and Judicial Magistrate First Class, Amravati, it would be in the interest of justice that the cases be disposed of by the same Judge. I see nothing wrong in the order passed with the learned Sessions Judge. In my opinion, also it would be appropriate for the very same Judge, who had recorded part of the evidence, to decide the cases. I find no reason to invoke the inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure for interfering with the impugned order.”*

5. Thus, it is appropriate that judge who recorded the part of the evidence, if is available, shall be permitted to record the further evidence.

6. Admittedly, the learned Judge who recorded the evidence in the present matter i.e. in Sessions Case No.16 of 2019 is available at Darwha and therefore, transfer

of the sessions trial from the said Judge to some other Judge is unwarranted.

7. Accordingly, the writ petition is **dismissed**.

**JUDGE**

*C.L.Dhakate*