



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

CRIMINAL APPLICATION NO.15 OF 2025

Rasid Ishakh Diwan

Vs.

Rajesh Pandurang Chopkar and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Shazad A. Khan, Advocate for applicant.
Mr. Piyush Pendke, APP for non-applicant No.2/State.

CORAM : RAJNISH R. VYAS, J.

DATE : 20.09.2025

Heard.

2. By way of this application, the applicant has prayed for transfer of MCA No.209/2022 pending before the Court of Judicial Magistrate First Class, Kalmeshwar (which pertains to relief under Section 156(3) of Code of Criminal Procedure) so also, transfer the case bearing SCC No.837/2022 (which pertains to the complaint initiated under Section 138 of the Negotiable Instrument Act), which is also pending before the Court at Judicial Magistrate First Class, Kalmeshwar.

3. A request is made to transfer both the applications to Court at Nagpur, on the ground that the complainant in the 138 case, who is non-applicant before

this Court, has threatened the applicant. In order to buttress his contention, the applicant has pointed out that a non-cognizable receipt dated 16.11.2023 is registered at his instance with the Police Station Kalmeshwar, for the offences punishable under Sections 504 and 506 of the Indian Penal Code.

4. He has also brought my attention to the representation dated 22.11.2023 to the Superintendent of Police, Nagpur Region, Nagpur, in which, a reference is made to incident dated 16.11.2023, where the applicant has alleged that on that day at about 14:35 p.m. two unknown persons threatened him and asked him to withdraw case from the Court. It needs to be stated that in the said non cognizable receipt reference was not made to the non-applicant.

5. Be that as it may, learned Assistant Public Prosecutor Mr. Piyush Pendke has invited my attention to the order dated 27.11.2024 passed in Miscellaneous Criminal Application No.545/2023, by the Sessions Judge, Nagpur, more particularly, paragraph 6. In the said application, a similar prayer was made, and the Sessions Judge, Nagpur, by detailed reasoning rejected the application. Despite applicant has preferred this application. The applicant, in the backdrop of the order dated 27.11.2024, which is not challenged, should not

have preferred application for transfer on the said ground, before this Court.

6. From the record, it is clear that the ground for transfer that is made is without any support of material filed on record; just because a non-cognizable receipt has been filed, that will not give a cause of action or ground to the applicant for transfer of the case.

7. Admittedly, nothing has been brought on record to show that a non-cognizable receipt was taken to a logical end either by invoking provisions of Section 155 of the Code of Criminal Procedure or by other procedure as is prescribed under the law.

8. In the aforesaid background, no case is made out for the transfer of the case, and therefore, the application is liable to be dismissed.

(Rajnish R. Vyas, J.)