IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 239 OF 2026

1. Dharmaraj Balbhim Malgonde,
   Age : 71 Years, Occu : Farmer and Business,

2. Ganesh Dharmaraj Malgonde,
   Age : 38 Years, Occu : Farmer and Business,
   Both are R/o. Korvali, Tal. Mohol,
   Dist. Solapur **...PETITIONERS**

VERSUS

1. The State of Maharashtra,
   Through Kamati Police Station,

2. Amogsidh Annappa Vibhute,
   Age : 65 Years, Occu : Farmer,

3. Rahul Amogsidh Vibhute,
   Age : 35 Years, Occu : Farmer,

4. Mahasidh Amogsidh Vibhute,
   Age : 32 Years, Occu : Farmer,

5. Rajashri Sadhu Vibhute,
   Age : 40 Years, Occu. : Housewife,
   All R/o. At Korvali, Tq. Mohol,
   Dist. Solapur.

6. Mahadev Hanumat Mhahane,
   R/o. Korvali, Tal. Mohol,
   Dist. Solapur **...RESPONDENTS**

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Mr. Hrishikesh Sopan Shinde, Advocate for the Petitioners.
Mr. Pankaj P. Deokar, APP for Respondent – State.
Mr. Atharva Andore (Through V.C.), Advocate for Respondent Nos.2 to 5
Mr. Yogesh Morbale, Advocate for Respondent No.6.

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CORAM : ABHAY J. MANTRI, J.
DATE : OCTOBER 08, 2026

ORAL JUDGMENT :

1. **Rule.** Rule made returnable forthwith and heard finally with the consent of learned counsel for the respective parties at the admission stage.

2. Having considered the rival contentions advanced by the learned counsel for the respective parties and upon perusal of the impugned order, at the outset, it appears that the Petitioners had not made the State of Maharashtra as well as Accused No. 3 in Crime No. 31 of 2024, who is Respondent No.6 herein, as parties before the learned Sessions Court.

3. In view of the aforesaid facts, and observing that the offences occurred at two distinct places, the learned Sessions Court rejected the Application filed by the Petitioners. Aggrieved by the said order, the Petitioners have approached this Court by way of this Petition.

4. The learned counsel for the Petitioners contended that both the offences have been registered in connection with the same incident; however, the learned Sessions Court erred in not considering the same and rejected the Application. During the course of arguments, he took me through both FIRs and other documents on record. He fairly admitted that Respondent No.6 was not available at the time of filing of the Application; therefore, he was

not made a party. Also, inadvertently, the Petitioners have failed to make the State of Maharashtra a party before the learned Sessions Court. The learned counsel for the Petitioner, suo motu, submitted that, for the above mistake, the Petitioners are ready to deposit ₹10,000/- before the District Legal Services Authority, Solapur, towards costs; therefore, he urged that in view of the facts, the Writ Petition be allowed.

5. The learned APP fairly submitted that both the FIRs have been lodged in connection with the same incident and therefore, it would be appropriate that both the cases be tried and entertained by one Judge. He does not object to transferring Regular Criminal Case No. 122 of 2024, pending before the learned Judicial Magistrate First Class, Mohol, to the learned Sessions Court at Solapur.

6. The learned counsel appearing for Respondent Nos. 2 to 5 strongly opposed the Petition on two grounds, namely, motive for committing the crime and the distinct spots of the two incidents. Therefore, he submitted that it would not be appropriate to transfer the matter from the learned Judicial Magistrate First Class, Mohol, to the learned Sessions Court at Solapur. As such, he urged for dismissal of the Writ Petition

7. Having gone through the FIRs and record, *prima facie,* I do not find substance in the submissions of the learned counsel appearing for

Respondent Nos. 2 to 5 that both the offences have been lodged in connection with the distinct incident, and arise out of different causes of action or that the same took place at different places. Rather, the record indicates that both offences were lodged in connection with the same incident arising from the land dispute between them.

8. In view of the above, in my opinion, it would be appropriate that both the cases ought to be tried by the same Judge so as to avoid passing of conflicting findings in the matter.

9. As a result, ***the Writ Petition is allowed subject to costs of ₹10,000/- in terms of prayer clause (b), which reads as under:***

> *"b. That this Hon'ble Court by issuing writ of certiorari or any other appropriate writ be pleased to quash and set aside the impugned order dated 10th December 2025, passed by the learned Sessions Judge, Solapur in Criminal Miscellaneous Application No.146 of 2025 and by allowing the said Criminal Miscellaneous Application No.146 of 2025 be pleased to direct the learned Sessions Court, Solapur to club the Regular Criminal Case No.122 of 2024, pending before the learned Judicial Magistrate First Class, Mohol, District Solapur and the Sessions Case No.131 of 2024 pending before the learned Additional Sessions Court, Solapur and be heard together."*

10. The Petitioners are directed to deposit costs before the District Legal Services Authority, Solapur by 26th October 2026, failing which this order shall stand vacated automatically without further reference to the Court.

11. Upon deposit of the said amount, the proceedings bearing Regular Criminal Case No.122 of 2024, pending before the learned Judicial Magistrate First Class, Mohol, be transferred to the learned Sessions Court where Sessions Case No.131 of 2024 is pending, and both matters shall be tried simultaneously.

12. The Rule is made absolute in the above terms.

13. Inform the concerned Courts accordingly.

(ABHAY J. MANTRI, J.)