

CNR No. GJSN010003072026

Received on :09/02/2026

Registered on :09/02/2026

Decided on :06/03/2026

Duration : Y M D

27

Exhibit : 6

**IN THE COURT OF SESSIONS JUDGE,
AT ::: SURENDRANAGAR.**

Criminal Misc. Application (Other) No.146/2026

Kathubhai Bhojbhai Khachar,
Res.At ; Thoriyali, Tal.Sayla,
Dist.Surendranagar.

....Applicant.

- vs. -

The State

...Opponent.

APPEARANCE :

Mr.P.M.Dhruv,L.A. for the applicant.

Mr.M.P.Sabhani,Ld.P.P. for the opponent.

Original Complainant ; Party in Person.

|| J U D G M E N T ||

1. The present application has been preferred by the applicant/ original accused under Section 448 of BNSS for transfer of Sessions Case No.16/2015 from the court of learned 2nd Addl. District & Sessions Judge, Limbdi to the court of learned Addl. District & Sessions Judge, Limbdi.

2. Notices issued to the opponent–State and the original complainant were duly served. On behalf of the opponent–State, Mr. M. P. Sabhani, learned Public Prosecutor, has appeared. The original complainant has appeared as party-in-person and has filed a pursis at Exh. 5 requesting that Sessions Case No. 16 of 2015 be continued before the Court where it is

presently pending, i.e., before the Court of the learned 2nd Additional District and Sessions Judge, Limbdi.

3. Heard learned advocate Mr.P.M.Dhruv for the present applicant and learned P.P. Mr.M.P.Sabhani for the opponent State.

4. The applicant/ original accused, by way of the present application, has requested to transfer Sessions Case No. 16/2015, which is presently pending before the Court of the learned 2nd Additional District and Sessions Judge, Limbdi, to the Court of the learned Additional District and Sessions Judge, Limbdi. The said request has been made on the ground that earlier the matter was heard by the learned Additional District and Sessions Judge, Limbdi and the arguments were concluded before the said Court. The case was thereafter fixed for pronouncement of judgment on 03/04/2025. However, subsequently on 19/05/2025, the case came to be transferred to the Court of the learned 2nd Additional District and Sessions Judge, Limbdi, which is a newly established Court.

5. On perusal of the contents of the application, it transpires that as per the present application, in Sessions Case No. 16/2015 the arguments on behalf of the accused were concluded before the Court of the learned Additional District and Sessions Judge, Limbdi about 10 months ago. Thereafter, upon the posting of the learned 2nd Additional District and Sessions Judge, Limbdi, the said case came to be transferred to the Court of the learned 2nd Additional District and Sessions Judge, Limbdi on 19/05/2025.

6. It is pertinent to note that at the relevant point of time neither the parties nor the concerned Judicial Officer had requested for transfer of the said case on the ground that the arguments on behalf of the accused had already been concluded before the Court of the learned Additional District and Sessions Judge, Limbdi. After a lapse of about 10 months, the present application has been preferred by the accused seeking transfer of the case.

7. Moreover, the learned Additional District and Sessions Judge, Limbdi is also due to retire on 31/05/2026. Hence, considering the aforesaid facts and circumstances, the ground raised by the accused for transfer of the case does not appear to be genuine or bona fide.

9. Hence, I do not find any merits in the present application and hence, the present application does not require any consideration and hence, in the interest of justice, I pass the following order.

:: O R D E R ::

The present Criminal Misc. Application is hereby dismissed.

Pronounced in the open court to-day on this **6th day of March, 2026.**

Date : 06/03/2026
Place: Surendranagar.

(KAILASNATH R. UPADHYAY)
Sessions Judge,
Surendranagar.
(GJ00333)