

MHAK010001852026



IN THE COURT OF SESSION AT AKOLA.

CRIMINAL M.A. NO.06/2026.

Sau Dipika Sheshrao Tajane & others.

Vs.

Subhash Tukaram Mehsare & others.

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**ORDER BELOW EX.01.**

(Passed on 03.07.2026)

This is an application under S.448 of Bhartiya Nagrik Suraksha Sanhita, 2023 for transfer of R.C.C. No.228/2024 pending on the file of Ld. Judicial Magistrate First Class (Court no.6), Akola to the court of Ld. District Judge-1 & A.S.J., Akola.

2) In nutshell, the applicants are accused in R.C.C. No.228/2024 (State Vs. Dipika and others) and it is pending for hearing before charge before Ld. Judicial Magistrate First Class (Court No.6), Akola (The court may differ as the cases transfer from one court to another). It is asserted that Special Case (Atrocity) No.26/2024 is pending against non applicants before Ld. District Judge-1 & A.S.J., Akola. It is stated that both cases are registered arising out of same incident. So, they are counter cases pending in different courts. Therefore, the applicants pray that R.C.C. no.228/2024 be transferred in the court of Ld. District Judge-1 & A.S.J., Akola to hear alongwith Special Case (Atrocity) No.26/2024.

3) In response to the notice, non applicants appeared; however failed to file reply. Today, Ld. Advocate for the non applicants present and submitted that both the cases are arising out of the same incident. Hence, it will be more convenient to try and decide both the cases in the court.

4) Heard Ld. Advocate Shri A. D. Janjal for applicants and Shri U. V. Baheti for non applicants.

5) They have reiterated the contents of the application.

6) Indisputably Special Case (Atrocity) No.26/2024 and R.C.C. No.228/2024 are arising out of the same incident. They are cross cases against each other. The victims in one case are accused in another. In cross cases, material point to be determined for arriving at a conclusion of innocence or guilt is who is the aggressor in the case. Unless, both cases are tried and heard together by the same court, it is not possible to arrive at that conclusion. Moreover, there is a settled principle that the cross cases should be tried by the same court simultaneously. In addition to that, the accused in one case are witnesses in another case. Therefore, it would be convenient to try both cases together by the same court. No doubt, one case is triable by the Court of Session and another is triable by the court of Magistrate. Therefore, the Sessions Case cannot be transferred to the Court of Magistrate but the case triable by Magistrate Court, can be transferred to the Court of Session for trial. In the light of that, application deserves to be allowed. Hence, I pass following order.

**Order**

1. The application is allowed.
2. Regular Criminal Case No.228/2024 pending on the file of Ld. Judicial Magistrate First Class (Court No.2), Akola is hereby withdrawn and made over to the court of Ld. District Judge-1 & Additional Sessions Judge, Akola to try simultaneously with Special Case (Atrocity) No.26/2024.
3. After the case is made over to the court of Ld. District Judge-1 & Additional Sessions Judge, Akola, if it is transferred to any other court on administrative grounds or otherwise, both cases should be transferred to one court, so that, they be tried together and simultaneously.
4. Inform the concerned courts accordingly.
5. Proceeding is closed.

Date : 03.07.2026.

( D. P. Satawalekar )  
Sessions Judge, Akola.