

MHAU030012172026



Cri.M.A.No./173/2026
Ms. Sai Yog Agencies Vs. Central Bank of India

ORDER BELOW EXH.1.

Read application and say. Perused the record. Heard Ld. Advocate for applicant and respondent. This is the application under Section 450 of Bhartiya Nagarik Suraksha Sanhita, 2023 for withdrawing criminal case from one court and to transfer it to another court for trial.

2] Ld. Advocate for applicant submitted that, the respondent filed Criminal complaint SCC No.22370/2024 under Section 138 of NI Act, against the applicant currently pending before 6th Addl. Chief Judicial Magistrate Court, Aurangabad. It is pending for cross examination of complainant. The applicant appeared in this case prior to four months and Hon'ble Court forcing this applicant conduct the cross examination instead of trying to settle the issue by sending the matter to mediation or to Lok Adalat. The Hon'ble Court granted adjournment for giving time to furnish the surety, but imposed the cost. In this case, plea was immediately recorded and now it was pending for cross examination. Then, no cross order was passed and case was kept for statement under Section 313 of Cr.PC. The shorts

adjournment were given, the no cross order was set aside, but subject to cost, if this case required to be settled, then the accused needs to arrange Rs.40,00,000/-. So, the concern Court is above to dispose of this case. In most of the cases filed by this present respondent, accused were convicted and result goes in favour of this respondent. So, it appears that, concern court deliberately forcing this accused and accused feel he will not get justice before 6th Addl. Chief Judicial Magistrate, Aurangabad. Considering the nature of the concern Judge, accused will suffer injustice. In fact this applicant did not do anything, she is suffering for the act done by her son. So, application may kindly be allowed.

3] Ld. Advocate for respondent submitted that, the case against the present applicant is pending for cross examination. The present respondent definitely ready for settlement, but this complainant only stating to settle and not came to the office of complainant. So, the complainant stating one thing before the Court and acted differently, if really applicant wish to settle then, she would have been file pursis to keep this case before Lok Adalat or requested the Ld. Addl. Chief Judicial Magistrate to refer it for Mediation. So, here the applicant is saying differently but not acting in this regard. There was no reason to say any injustice will be cause to the applicant. Hence, application not tenable and kindly be rejected.

4] Present respondent filed complaint under Section 138 of NI Act against the applicant bearing SCC No. 22370/2024 presently pending before the Court of 6th Addl. Chief Judicial Magistrate, Aurangabad. The case is pending for cross examination by applicant. It appears that, after applicant appears, plea of applicant was recorded. Then, the complainant filed their affidavit for examination in chief. The case for adjourned for cross subject to cost also. Then, there was no cross order passed, which was set aside with cost. So, this is not the case that, this applicant would not get chance to cross examination. Further, the case is filed in the year 2024 and plea was recorded. The applicant appeared, but only after the warrant was issued. So, there was no substance in the statement of applicant. Further, the complaint under Section 138 of NI Act, needs to be dispose of within six months. So, there is no substance that, Hon'ble Court forcing this applicant to proceed further. If really the applicant want to settle, then she would have been visit to the office of respondent or she would have been file pursis to send the matter for mediation or Lok Adalat. The court will not proceed as per the accused, but court will proceed as per the law. So, there is no record that, really this applicant wish to settle the case. So, contentions regarding this also not accepted. Hence, there is no substance to withdraw this case SCC No.22370/2024 from 6th Addl. Chief Judicial Magistrate Court, Aurangabad and to transfer to another Court. Hence,

considering the limited scope under Section 450 of BNSS, 2023, of this Court, this application itself is not tenable and appears to be only made for delay the proceeding. Hence, this application deserves to be rejected. Hence, I proceed to pass following order -

ORDER

The Criminal M.A. No.173/2026 rejected, accordingly disposed of.

Date :- 17/04/2026.

(R. S. Jambotkar)
Chief Judicial Magistrate,
Aurangabad.

CERTIFICATE

I affirmed that the contents of this P.D.F. file Judgment/order are same, word to word, as per the original order.

Name of the Stenographer : Gajanan R. Tehere
Stenographer Grade-II.
Court : (Shri. R.S. Jambotkar)
C.J.M., Aurangabad
Date : 17/04/2026
Judgment/Order signed by
the Presiding Officer on : 17/04/2026
Order uploaded on : 17/04/2026
