

MHBI010004552026

**SESSIONS COURT AT BEED.****Criminal M.A. No. 22/2026****Minesh Baliram Raut****Vs.****Suryatej Urban Co-operative Credit Society and another****ORDER BELOW EXH. 1**

This application is filed under Section 448 of Bhartiya Nagarik Suraksha Sanhita, 2023 for transfer of Summary Criminal Case No. 1702/2023 from the Court of 7th Additional Chief Judicial Magistrate and Civil Judge Senior Division, Beed to any other Court at Beed.

2. Ld. Counsel Shri. Y. R. Shelke for applicant submitted that applicant/accused had obtained loan from non-applicant society. Some loan amount remained to be paid and due to this, cheque given by applicant was presented by non-applicant, which was dishonoured and a complaint was filed under Section 138 of the Negotiable Instrument Act. On 05/12/2025, applicant/accused could not attend the Court, hence, a personal exemption application was given at 12:00 p.m., by his Counsel was rejected and his bail was cancelled. Presiding Officer directed him to furnish cash surety of Rs. 15,000/- and also threatened and did not give proper treatment to his Advocate. A complaint was submitted to undersigned on 06/12/2025. Hence, it was submitted that

(2)

due to conduct of Presiding Officer they having apprehension that adverse order may be passed against him. Hence, prayed to transfer the matter.

3. Ld. Counsel Shri. R. B. Sirsat for non-applicant opposed the contention of the applicant and submitted that application is filed on false ground and with intention to delay the trial. He opposed the plea of transfer and prayed to reject the application.

4. Heard Ld. Counsel Shri. Y. R. Shelke for applicant/accused and Ld. Counsel Shri. R. B. Sirsat for non-applicant. Perused the material on record.

5. Upon considering hearing and material on record, it is evident that after the complaint was filed, summons was served on applicant and thereafter, he failed to appear before the Court on 04/03/2025, hence, warrant was issued against him. Thereafter, again on next day, BW was issued on 29/04/2025 and again on 13/06/2025 application for BW was preferred at Exh. 17, but, it was rejected as applicant appeared thereafter. Applicant did not attend the Court and hence, warrant was again issued against him on 25/07/2025 at Exh. 25. This warrant was cancelled on 09/09/2025. Thereafter, on 05/12/2025 and again on 18/12/2025 at Exh. 30 non bailable warrant was issued against the applicant.

6. Prima facie as per roznama, it appears that applicant who was accused before Trial Court was not diligent to attend the Court punctually and on time and also exemption application on 05/12/2025 was preferred with delay and after an order of NBW was already passed by the Court against him at Exh. 28. Roznama shows the negligent conduct of the applicant to attend the matter.

7. A trial under Section 138 of the Negotiable Instrument Act has to be conducted in a summary manner and its expeditious disposal is expected. But, in the case in hand, plea could not recorded even

after 1 ½ years of institution of matter. In such circumstances, if, any adverse order was passed by Presiding Officer, it should not give rise to apprehension in the mind of the applicant that he would not get justice from the concerned Court. With these observations, this Court does not find merit in the application and accordingly, I pass following order;

ORDER

Application is hereby rejected.

Beed.
Dt. 02/05/2026

(Anand L. Yawalkar)
Sessions Judge, Beed.

(4)

Dictated on : 02/05/2026
Transcribed on : 02/05/2026
Checked & signed on : 02/05/2026

I affirm that the contents of this PDF file are word to word as per original Judgment / order.

Name of Steno : G. N. Ghayal
Name of Court : Sessions Court, Beed,

Sd/-
(G. N. Ghayal)
Stenographer Grade-I