

**IN THE COURT OF SESSIONS JUDGE, BULDANA.**

(Presided over by Mr. R. N. Rokade)

**Criminal Misc. Application No.90/2025.**

(CNR : MHBU010015192025)



**Shaikh Imran Shaikh Aman,**

Aged about 35 years,

R/o. D.P. Road, Chikhli,

Tq. Chikhli, Dist. Buldana.

... Applicant.

- Versus -

**Vaibhav Laxmi Mahila Urban Co-operative**

**Credit Society Ltd., Chikhli,**

through its Recovery Officer-Dnyaneshwar Hanuman  
Kenekar,

R/o. Chikhli, Dist. Buldana.

... Non-applicant.

**Appearance :**

Shri. Shakil Shaikh, Advocate for the applicant,

Shri. P. D. Maghade, Advocate for the non-applicant,

...

**Order below Exh.1.**

(Dt. 13-03-2026)

1] This is an application filed by the applicant under Section 448 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking transfer of Summary Criminal Case No.445/2015 from the Court of the Judicial Magistrate First Class, (Court No.2), Chikhli to any other Court of competent jurisdiction.

2] The material averments in the application are as follows :

The aforesaid complaint under Section 138 of the

Negotiable Instruments Act, 1881, was instituted in the year 2015 and has remained pending for a considerable period. The complainant has repeatedly sought adjournments and thereby caused delay in the progress of the proceedings. Although the complainant filed the affidavit of evidence of its employee, namely, Shaikh Sajid Shaikh Ansar, the said witness remained absent on several occasions when the matter was fixed for cross-examination. The applicant has filed an application at Exh.27 seeking dismissal of the complaint and discharge of the accused before the trial Court. However, the complainant did not file its say to the said application for a considerable period, which resulted in further prolongation of the proceedings. The complainant orally submitted that the earlier witness had left the employment of the society and that another witness would be examined in his place, but no formal application was filed seeking examination of the new witness. The applicant has also alleged that on several dates, the complainant sought adjournments orally on different grounds and the trial Court granted the same, thereby causing serious prejudice to the accused. The case has remained pending for nearly eleven years, resulting in mental, physical and financial hardship to the accused. On these grounds, the applicant submits that the manner in which the proceedings are being conducted before the learned trial Court has created in his mind a reasonable apprehension that he may not receive a fair trial. Consequently, the applicant has prayed that the said case be withdrawn from the file of the learned Judicial Magistrate, First Class, (Court No.2), Chikhli, and transferred to any other competent Court, in the interest of justice.

**3]** The learned Advocate for non-applicant, by filing a say on the application, has contended that the applicant has preferred the present application seeking transfer of the aforementioned case to another Court. However, upon perusal of the application, it

becomes apparent that the allegations made against both the complainant as well as the learned Court are wholly unwarranted, and devoid of any substantive material. The delay in the disposal of the case cannot be attributed to any deliberate act on the part of the learned Judicial Magistrate, First Class or the complainant. The learned trial Court is required to handle a substantial volume of cases, both civil and criminal, which affects the progress of individual matters. The grounds raised in the application appear to be an attempt to stall the proceedings rather than to seek any legitimate relief. There is no intentional delay on the part of the Court. Therefore, the non-applicant has prayed for rejection of the application.

4] Heard the learned Advocate Shri. Shakil Shaikh, for the applicant and learned Advocate Shri. P. D. Maghade, for the non-applicant.

5] Perused the application and the say. In the present matter, the applicant has primarily sought transfer on the ground that the proceedings in the complaint under Section 138 of the Negotiable Instruments Act, 1881, have been delayed and that the complainant has sought adjournments on several occasions. However, there is nothing to indicate that the learned trial Court has acted in any manner which would give rise to a reasonable apprehension of bias or denial of a fair trial. It is to be noted here that no specific instance has been pointed out by the applicant demonstrating any improper conduct, prejudice, or lack of impartiality on the part of the learned trial Court.

6] It is well settled that the power of transfer is to be exercised sparingly and only in exceptional circumstances, where a real and reasonable apprehension is shown that justice will not be done by the court presently seized of the matter. A mere allegation or vague apprehension in the mind of a litigant unsupported by cogent

and convincing material, cannot constitute a valid ground for transfer of a criminal case. Transfer of a case is an extraordinary measure and cannot be granted merely because a party feels dissatisfied with the progress of the proceedings. Permitting such requests on unfounded grounds would undermine the orderly administration of justice and encourage litigants to delay trials by resorting to transfer applications.

7] The allegations made in the application are general and speculative in nature and do not inspire confidence. I am of the opinion that the applicant has failed to establish any reasonable or *bona fide* apprehension that he would not receive a fair and impartial trial before the learned trial Court. Consequently, no case is made out for exercise of powers under Section 448 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Lastly, the fact that the matter is more than ten years old cannot be lost sight of. It would therefore be appropriate to give directions to the learned trial Court for early disposal of the case. With this, I am inclined to pass the following order.

**Order**

1. The application (Exh.1) is rejected.
2. The learned trial Court is directed to expedite the trial being more than ten years old.
3. The parties are directed to co-operate with the learned trial Court for early disposal of the case.

Dated : 13-03-2026.

( R. N. Rokade)  
Sessions Judge, Buldana.

**Certificate**

“I affirm that, the contents of this PDF file Order are same word for word as per original Order.”

Name of Steno	Shri. D.S.Ingle, Stenographer (Grade-III)
Name of Court	Sessions Judge, Buldana
Date of Order	13-03-2026
Dictated on	13-03-2026
Transcribed on	13-03-2026
Checked and signed on	13-03-2026
Uploaded on	16-03-2026

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