

**CRIMINAL MISC. APPLICATION NO. 216/2026**

Popat Shahaji Konde

...Applicant

*Vs.*

Asma Jalal Shekh

...Respondent.

**ORDER BELOW EXH.01**

(Dated 06<sup>th</sup> June 2026)

This application is filed by the applicant under Sec. 448 of the BNSS, 2023 for clubbing / consolidation of two complaint cases. It is submitted that S.C.C. No. 23075/2017 and S.C.C. No. 3213/2018 are filed by the applicant under Sec. 138 of the Negotiable Instruments Act against the respondent/ accused in respect of common transaction. The accused issued multiple cheques with different dates and upon their dishonour, the applicant constrained to file two separate complaint cases. The parties are identical and the documents, evidence and witnesses in both the cases are one and the same.

**02.** In spite of service of notice to respondent / accused, fails to remain present. Hence, application proceeded against him.

**03.** Heard learned Advocate Shri. Hadgaonkar.

**04.** Apparently S.C.C. No. 23075/2017 and S.C.C. No. 3213/2018 have been filed by the applicant U/s. 138 of the

Negotiable Instruments Act against the respondent. The transaction is common. The parties are identical. Even the cheques issued by the respondent are out of the same financial transaction. At present, S.C.C. No. 23075/2017 is pending in the Court of Smt. S. N. Hurgat, 15<sup>th</sup> Jt. C.J.S.D. & Addl. C.J.M., Pune and S.C.C. No. 3213/2018 is pending in the Court of Smt. R. R. Deshpande, 10<sup>th</sup> Jt. C.J.S.D. & Addl. C.J.M., Pune. Considering the fact that both these cases are filed by the applicant against the respondent and arising out of the same financial transaction, needs to be decided by the same Court in a view to avoid conflicting decisions. More so, it will also be convenient to the parties to attend the same.

**05.** Though in the application it is mentioned that S.C.C. No. 23075/2017 is pending in the Court of Smt. S. N. Hurgat, 15<sup>th</sup> Jt. C.J.S.D. & Addl. C.J.M., Pune and S.C.C. No. 3213/2018 is pending in the Court of Smt. R. R. Deshpande, 10<sup>th</sup> Jt. C.J.S.D. & Addl. C.J.M., Pune. However, learned Advocate for the applicant today passed a pursis (Exh.13) informing that at present S.C.C. No. 23075/2017 is pending in the Court of Smt. S. N. Hurgat, 13<sup>th</sup> Jt. C.J.S.D. & Addl. C.J.M., Pune and S.C.C. No. 3213/2018 is pending Smt. S. K. Dugaonkar, 13<sup>th</sup> Jt. C.J.S.D. & Addl. C.J.M., Pune. In such circumstances, the application needs to be allowed. Hence, the order:-

**ORDER**

**01.** Application is allowed.

**02.** S.C.C. No. 3213/2018 pending in the Court of 12<sup>th</sup> Jt. C.J.S.D. & Addl. C.J.M., Pune (Smt. S. K. Dugaonkar) is hereby withdrawn and transferred to the file of 13<sup>th</sup> Jt. C.J.S.D. & Addl. C.J.M., Pune (Smt. S. N. Hurgat) wherein SCC No. 23075/2017 is pending.

**03.** Trial Court to decide both the matters on their own merit.

**04.** The registry/ Office shall take necessary steps.

**05.** Application stands disposed of.

Pune.  
Date:-06/06/2026.

**( Arvind T. Wankhede )**  
Principal District and  
Sessions Judge, Pune.