

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

MISC. APPLICATION NO. OF 2025
IN
TRANSFER PETITION CRL. NO. 333-348 OF 2021

IN THE MATTER OF:-

KETAN KANTILAL SHETH ...PETITIONER
VERSUS
STATE OF GUJARAT & ORS. ...RESPONDENTS

ON BEHALF OF:-

SANJAY HARIRAM AGARWAL ...APPLICANT

**APPLICATION ON BEHALF OF THE APPLICANT
SEEKING CLARIFICATION/DIRECTION**

FILED BY:



[KAUSHIK CHOUDHURY]

Advocate for the Applicant(s)

PLACE : NEW DELHI
DATED: 06.05.2025

INDEX

S.NO	PARTICULARS	PAGE NO.
1.	<u>M.A. NO. OF 2025</u> APPLICATION ON BEHALF OF THE APPLICANT SEEKING CLARIFICATION/DIRECTION IN VIEW OF THE SUBSEQUENT EVENTS AFTER THE ORDER DT. 09.09.2022 READ WITH ORDER DT. 04.08.2023 PASSED BY THIS HON'BLE COURT IN T.P. (CRL.) 333-348 OF 2021 WITH AFFIDAVIT	1-11
2.	<u>ANNEXURE A-1</u> True copy of order dt. 09.09.2022 passed by this Hon'ble Court in T.P. Crl. No. 333-348 OF 2021 and modified order dt. 04.08.2023 passed by this Hon'ble Court in MA/1935/2022	12-52
3.	<u>ANNEXURE A-2</u> True copy of order dt 20.01.2023 passed by the Ld. Principal Judge	53-54
4.	<u>ANNEXURE A-3</u> True copy of application dt. 22.05.2024 of the Applicant along with order 24.12.2024 passed by the Ld. Add. CJM, 47th Court, Esplanade, Mumbai	55-66
5.	<u>ANNEXURE A-4</u> True copy of letter dated 24.02.2025 issued by Registrar, (Judicial) and the office order dated 27.02.2025 issued by Chief Judicial Magistrate	67-72
6.	Vakalatnama	73

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**APPLICATION ON BEHALF OF THE APPLICANT
SEEKING CLARIFICATION/ DIRECTION IN VIEW
OF THE SUBSEQUENT EVENTS AFTER THE
ORDER DT. 09.09.2022 READ WITH ORDER DT.
04.08.2023 PASSED BY THIS HON'BLE COURT IN
T.P. (CRL.) 333-348 OF 2021**

TO,

THE HON'BLE CHIEF JUSTICE OF INDIA AND HIS
OTHER COMPANION JUDGES OF THE HON'BLE
SUPREME COURT OF INDIA

THE HUMBLE APPLICATION OF THE ABOVE-
NAMED APPLICANT

MOST RESPECTFULLY SHOWETH:-

- 1) That the present application has been preferred by the applicant herein seeking clarification/ directions in view of the subsequent events to uphold the spirit of judgment and order dt. 09.09.2022 read with modification order dt. 04.08.2023 passed by this Hon'ble Court in TP (Crl.) No. 333-348 of 2021.

- 2) That vide order dated 09.09.2022, this Hon'ble Court was pleased to allow transfer of all the 16 cases from 4 different states to the Court of Principal Judge, Bombay City Civil and Session Court, Mumbai considering the circumstances involved and nature of the cases. In the wake of the abovesaid order, MA/1935/2022 was filed by the State of Maharashtra seeking recall of the said order. As a consequence, this Hon'ble Court vide order dt. 04.08.2023 modified the abovesaid order to the extent that criminal case number of 147/2002 at Nagpur and criminal Case No. 847 of 2002 at Amaravati was ordered to be retained at their original place. True copy of order dt. 09.09.2022 passed by this Hon'ble Court in T.P. CrI. No. 333-348 OF 2021 and modified order dt. 04.08.2023 passed by this Hon'ble Court in MA/1935/2022 is filed herewith and marked as **ANNEXURE A-1** (Pg.12-52).
- 3) Subsequently, the Principal Judge, Bombay City Civil and Session Court, Mumbai exercised its power as per the law, by consolidating all the matters in order to be tried by one court, transferred all the 14 cases to the Add. CJM, 47th Esplanade Court, Mumbai where other cases of same accused were already pending, to expeditiously conclude the matters since they are pending due to multiplicity of the proceedings for so many years. True copy of order dt

20.01.2023 passed by the Ld. Principal Judge is filed herewith and marked as **ANNEXURE A-2** (Pg.53-54).

- 4) Thereafter, all the matters were transferred to the Add. CJM, 47th Court, Esplanade, Mumbai Court for expeditious trial. However, Ld. Add. CJM has failed to conduct the trial of matters in a consolidated manner as was required by the order dt. 09.09.2022. In view thereof the applicant filed an application before 47th Court, Esplanade, Mumbai seeking direction to conduct all cases simultaneously and after completion of evidence, the cases should be heard simultaneously, and all the judgments be pronounced simultaneously. However, the Ld. Add. CJM has completely misconstrued the true contours of the judgement dt. 09.09.2022 read with order dt. 04.08.2023 of this Hon'ble Court which said that in all the cases there is a commonality of facts involving common nature of allegations and witnesses are common in most cases, and to meet the ends of justice and fair trial cases were transferred to Mumbai. True copy of application dt. 22.05.2024 of the Applicant along with order 24.12.2024 passed by the Ld. Add. CJM, 47th Court, Esplanade, Mumbai is filed herewith and marked as **ANNEXURE A-3** (Pg.55-66).
- 5) It is relevant to mention that the emphasis of this Hon'ble Court was that there should in essence one

trial relating to all the FIRs with an idea to avoid conflicting investigations, trial and judgments as the law laid down in the case of **Satinder Singh Bhasin Vs. State of U.P. (2022) SCC online SC 2155.**

- 6) Since January 2023 the said matters are pending trial before the Add. CJM, 47th Court, Esplanade, Mumbai. To worsen the effect of order dt. 09.09.2022 and by misconstruing the letter dated 24.02.2025 of the Registrar (Judicial), Bombay High Court, on 27.02.2025 the Chief Judicial Magistrate through an office order directed that all the criminal cases pending before the Ld. Add. CJM, 47th Court, Esplanade, Mumbai shall be withdrawn and be transferred to three courts i.e., Add. CJM, 19th court; Add. CJM, 03rd Court, Add. CJM, 37th Court Mumbai. True copy of letter dated 24.02.2025 issued by Registrar, (Judicial) and the office order dated 27.02.2025 issued by Chief Judicial Magistrate is filed herewith and marked as **ANNEXURE A-4** (Pg.67-72).
- 7) That in view of the aforesaid subsequent facts, the present application is being filed seeking clarification and appropriate directions on the following grounds.

GROUND

- A. Because, the Ld. Add. CJM, 47th Court, Esplanade, Mumbai, has failed to comprehend the intention

behind the order passed by this Hon'ble Court, which was to consolidate the 14 matters and streamline the judicial process by ensuring a unified approach to trial, thereby promoting judicial efficiency and fair administration of justice.

- B. Because, a criminal case is conducted broadly in three stages after framing of charge i.e., (a) Prosecution and defence evidence, (b) Section 313 Statement and (c) finally hearing of cases and pronouncement of judgement. In the case of **Satinder Singh Bhasin Vs. State of U.P. (2022) SCC online SC 2155** where there were multiple cases and the same was consolidated the idea was that all three stages should happen simultaneously in all cases. This Hon'ble Court also by a modified direction in para (e) of order dated 04.08.2023 also seeks to uphold the very same spirit where all cases should proceed simultaneously, hearing in all cases shall happen simultaneously and thereafter judgements shall be pronounced in all the cases at the same time.
- C. Because, while passing the order dt. 09.09.2022 r/w order dt. 04.08.2023 this Hon'ble Court was of the view that all the cases transferred have to be tried simultaneously. But the non-conduct of trial in said manner is not only resulting into prejudice to the applicant but also causing delay. For example, when a common witness is called, unfortunately he is not

be made to depose in all cases at the same time but made to appear in each case on separate dates to be cross examined. Infact on some occasion the matter gets adjourned due to non-appearance causing further delay. The adjudication of the matters has been made more complex and time consuming now.

- D. Because, the Simultaneous Final Hearing and Judgment will also (a) allow no room for conflicting judgement in the above set of cases which have common charges and circumstances; (b) ensure that the very fundamental ground for the transfer i.e. commonality of facts and charges and understanding the interlinking of the transaction can be achieved and the trial court is able to holistically understand the contours of all pending cases.
- E. Because, in terms of the earlier order of this Hon'ble Court, all the cases were being rightly heard and adjudicated by one single court of Add CJM, 47th Court, Esplanade, Mumbai, which was in compliance of the order of this Hon'ble Court. However, the order of the Chief Judicial Magistrate dated 27.02.2025 is in complete violation, both in letter and spirit, of the order of this Hon'ble Court dated 09.09.2022 read with order dated 04.08.2023 and the order dated 20.01.2023 passed by Sessions Judge, Gr. Mumbai.
- F. Because the said office order dated 27.02.2025 of the Chief Judicial Magistrate has infact restored the

status quo ante position as was existing prior to the order dated 09.09.2022 of this Hon'ble Court and in effect knocks out the efficacy of the order. The purpose of this Hon'ble Court's order stands negated by splitting the cases.

- G. Because, the office order dated 27.02.2025 of Ld. Chief Judicial Magistrate is incorrect as the powers vested with Principal City Civil Judge, Mumbai to decide on the transfer of cases to one or more court in Mumbai stood exercised when an order is passed transferring all cases to one court keeping in view the spirit and intent of order dt. 09.09.2022 passed by this Hon'ble Court.
- H. Because, no powers at all vest with the Ld. Chief Judicial Magistrate to split the cases, more so when the Registrar (Judicial), Bombay High Court direction to Ld. Chief Judicial Magistrate was only to transfer all cases to *another court* and not to split the cases in different court.
- I. Because, the Ld. Add. CJM, 47th Court, Esplanade, Mumbai and Chief Judicial Magistrate have not upheld the sanctity of the order 09.09.2022 r/w 04.08.2023 passed by this Hon'ble Court. Ld. Add. CJM, 47th Court, Esplanade, Mumbai has not been able to appreciate the very essence of the order dated 09.09.2022 read with order dated 04.8.2023 therefore

only, the trial is being conducting in a haphazard manner.

- J. Because, even after a well speaking order passed by this Hon'ble Court, the Ld. Magistrate Courts below failed to conduct the trial in spirit of the said order and have interpreted the said order in completely wrong manner resulting into failure in implementing this Court's order. The sanctity of the order passed by this Hon'ble Court should be paramount which has not been upheld by the Courts below which has led to further delay and complications.

PRAYER

It is therefore most respectfully prayed that this Hon'ble Court may be pleased to:

- a) Allow the present application and direct that all 14 cases transferred and were earlier heard together by Add. CJM, 47th Court, Esplanade, Mumbai in view of the order passed by this Hon'ble Court dated 09.09.2022 R/w order dated 20.01.2023 passed by Ld. Sessions Judge, Greater Mumbai be continued to be heard by one and the same Court, in the interest of justice and fair trial;
- b) On transfer of all 14 cases to one court, direct that only after completion of prosecution and defence evidence in all the transferred cases, the final hearing in all the cases be conducted simultaneously and the

judgements be pronounced at the same time to ensure that no single case be left out for any reason whatsoever and avoid further delay in closure of cases which might be left out.

- c) Pass such further order(s) as this Hon'ble Court may deem fit and proper.

FILED BY:



[KAUSHIK CHOUDHURY]

Advocate for the Applicant(s)

PLACE : NEW DELHI
DATED: 06.05.2025



BEFORE THE NOTARY PUBLIC
AT BIDHANNAGAR
DIST.- NORTH 24 PARGANAS

SL. No. 78 10 Date 5/5/25
Book No. 07 Year 2025
Page No. 3 Date 5/5/25

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

MA NO. _____ OF 2025

IN
TRANSFER PETITION CRL. NO. 333-348 OF 2021

Aloke Bepari
ALOKE BEPARI
Advocate & Notary
GOVT. OF INDIA
Regd. No. 53927/25
Ph. No.: 9836894284
Email Id : alokebepari@gmail.com

IN THE MATTER OF:
KETANKANTILAL SHETH

...PETITIONER

VERSUS

STATE OF GUJARAT & ORS.

...RESPONDENTS

ON BEHALF OF:

SANJAY HARIRAM AGARWAL

...APPLICANT

AFFIDAVIT

I I, Sanjay Hariram Agarwal, S/o. Hariram Agarwal, Aged about 60 Years, do hereby solemnly affirm and state as under:

2. The instant application is being filed in relation to judgment and order dt. 09.09.2022 read with modification order dt. 04.08.2023 passed by this Hon'ble Court in TP (Crl.) No. 333-348 of 2021, emanating from issue concerning the enforcement and compliance with the directions contained in the order dated 09.09.2022 and 04.08.2023, rendered by this Hon'ble Court.
3. That full facts have been mentioned in the Application which may be considered necessary for the purposes of the present affidavit.
4. The filing of the miscellaneous application has been necessitated as the order passed in the main proceeding being executory in nature and have become difficult to be implemented because of the subsequent events or developments.

S. H. Agarwal
DEPONENT

VERIFICATION:

I, the abovenamed deponent, do hereby verify that the contents of para-1 to Para-3 of above affidavit are true and correct to the best of my knowledge and belief

and nothing material has been concealed therefrom.

Solemnly affirmed on the ____ of May, 2025 New Delhi.

S. H. Agarwal
DEPONENT

Under The Notaries Act Solemnly Affirm / Sworn
On 5th day of May 2025
By S. H. Agarwal, D/O, H. Agarwal
Identified by P. Aggarwal (Advocate)

Aloke Bepari
ALOKE BEPARI
ADVOCATE & NOTARY
GOVT. OF INDIA
Regd. No. 53927/25
Bidhannagar Court
Dist.- North 24 Pgs.

Identified by me

Advocate

05 MAY 2025

BEFORE THE NOTARY PUBLIC
AT BIDHANNAGAR
DIST.- NORTH 24 PARGANAS

SL. No. 77 Date 5/5/25
Book No. 01 Year 2025
Page No. 3 Date 5/5/25

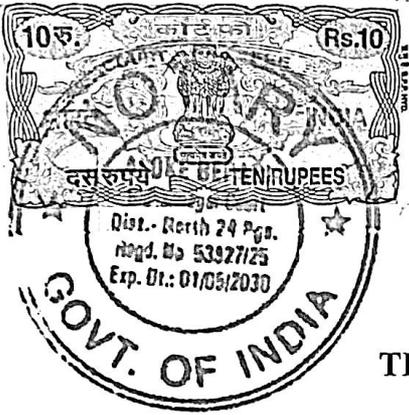
IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

MA NO. _____ OF 2025

IN
MISC. APPLICATION NO. _____ OF 2025
IN

TRANSFER PETITION CRL. NO. 333-348 OF 2021

Repair
ALOKE BEPARI
Advocate & Notary
GOVT. OF INDIA
Regd. No. 53927/25
Ph. No.: 9836894284
Email Id: alokebepari@gmail.com



IN THE MATTER OF:

KETAN KANTILAL SHETH

...PETITIONER

VERSUS

STATE OF GUJARAT & ORS.

...RESPONDENTS

ON BEHALF OF:

SANJAY HARIRAM AGARWAL

...APPLICANT

AFFIDAVIT

I, Sanjay Hariram Agarwal, S/o. Hariram Agarwal, Aged about 60 Years,
do hereby solemnly affirm and state as under:

1. That I am the Applicant and I am fully conversant with the facts and circumstances of the case and as such competent to swear this affidavit.
2. That the accompanying Application [s] have been drawn by my Advocate under my instructions. I have read and understood the contents of the above and I say that the same are true and correct to my knowledge and belief and I believe the same to be true.
3. That the Annexures filed herewith are true copies of their respective originals.

S. Hariram
DEPONENT

VERIFICATION:

I, the abovenamed deponent, do hereby verify that the contents of para-1 to Para-3 of above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

Under The Notaries Act Solemnly Affirm / Sworn

On 5th day of May 2025

By S. H. Agarwal, D.C. W/O. H. Agarwal Solemnly affirmed on the ___ of May, 2025 New Delhi.

Identified by P. Agarwal (Advocate)

A

ALOKE BEPARI
ADVOCATE & NOTARY
GOVT. OF INDIA
Regd. No. 53927/25
Bidhannagar Court
Dist.- North 24 Pgs.

Identified by me

Advocate

S. Hariram
DEPONENT

05 MAY 2025

NON-REPORTABLE**IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION****TRANSFER PETITION (CRIMINAL) Nos. 333-348/2021**

Ketan Kantilal Seth

.....Petitioner

VERSUS

State of Gujarat & Ors.

..... Respondent(s)

With I.A. No. 134476 of 2021**ORDER**

1. With the consent of the parties, these transfer petitions have been taken up for final hearing. The present petitions have been filed by petitioner/accused for invoking the power under Section 406 of Code of Criminal Procedure, 1973 (hereinafter referred to as 'CrPC'), seeking transfer of 16 criminal cases pending against him in four different States to one Court in Mumbai, where 3 cases are already pending. Following are the cases of which transfer are being sought –

- i. Criminal Case No. 101878/2003 arising out of FIR No. C.R. No. I-64/2002, dated 30.07.2002 registered at Police Station Udhana, Surat, Gujarat, pending before Additional Chief Judicial Magistrate, Surat;
- ii. Criminal Case No. 9166/2002 arising out of FIR No. I.C.R. No. 274/2002, dated 02.07.2002 registered at Police Station Umra, Surat, Gujarat, pending before Additional Chief Judicial Magistrate, Surat;
- iii. Criminal Case No. 174/2003 arising out of FIR No. C. R. No. I-226/2002, dated 30.08.2002 registered at Police Station Rander, Surat, Gujarat, pending before Additional Chief Judicial Magistrate, Surat;
- iv. Criminal Case No. 100521/2003 arising out of FIR No. 274/2002, dated 06.08.2002 registered at Police Station Varachha, Surat, Gujarat, pending before Additional Chief Judicial Magistrate/Judicial Magistrate First Class, Surat;
- v. Criminal Case No. 2778/2004 arising out of FIR/M. Case No. 3/2002, dated 16.07.2002 registered at Police

- Station Gandevi, Navsari, Gujarat, pending before Additional Chief Judicial Magistrate, Gandevi;
- vi. Criminal Case No. 6840/2002 arising out of FIR No. I-93/2002, dated 18.08.2002 registered at Police Station Navsai Town, Navsari, Gujarat, pending before Chief Judicial Magistrate, Navsari;
- vii. Criminal Case No. 2121/2002 arising out of FIR No. I-119/2002, dated 10.06.2002 registered at Police Station Valsad City, Valsad, Gujarat, pending before Chief Judicial Magistrate, Valsad;
- viii. Criminal Case No. 1578/2006 arising out of FIR/M. Case No. 29/2002, dated 13.06.2002 registered at Police Station Vidya Nagar, Anand, Gujarat, pending before Additional Chief Judicial Magistrate, Anand;
- ix. Criminal Case No. 244/2002 arising out of FIR/M. Case No. 22/2002 (C.R. No. I-226/2002), dated 07.06.2002 registered at Police Station Morbi, Gujarat, pending before II Additional Chief Judicial Magistrate, Morbi;

- x. Criminal Case No. 40449/2016 arising out of FIR No. 280/2002, dated 04.05.2002 registered at Police Station Connaught Place, New Delhi, pending before Additional Chief Metropolitan Magistrate, Patiala House Court, New Delhi;
- xi. Criminal Case No. 2034203/2016 arising out of FIR No. 242/2002, dated 17.06.2002 registered at Police Station Sarojini Nagar, New Delhi, pending before Chief Metropolitan Magistrate, Saket Court, New Delhi;
- xii. Criminal Case No. ____/2002 arising out of FIR No. 298/2002, dated 22.08.2002 registered at Police Station Jagatdal, 24 North Paraganas, West Bengal, pending before Barrackpore Court, Kolkata;
- xiii. Criminal Case No. 147/2002 arising out of F.I.R. No. 97/2002, dated 25.04.2002 and C.R. No. 101/2002, dated 29.04.2002, both registered at Police Station Ganeshpeth, Nagpur, Maharashtra, pending before 155-II Additional Chief Judicial Magistrate First Class, Nagpur;

- xiv. Criminal Case No. 847/2002 arising out of F.I.R. at C.R. No. 75/2002, dated 15.05.2002 registered at Police Station City Kotwali, Amravati, Maharashtra, pending before Chief Judicial Magistrate, Amravati;
- xv. Criminal Case No. 498/2002 arising out of F.I.R. at C.R. No. 102/2002, dated 08.05.2002 registered at Police Station Pimpri, Pune, Maharashtra, pending before Chief Judicial Magistrate, Pimpri, Pune;
- xvi. Criminal Case No. 357/2002 arising out of F.I.R. at C.R. No. 65/2002, dated 15.05.2002 registered at Police Station Vishrambaug, Pune, Maharashtra, pending before III Judicial Magistrate First Class, Shivaji Nagar, Pune.

In fact, the basic object to file these transfer petitions is to get all cases transferred at one place and may be directed to try together.

2. In a nutshell, the prosecution story in majority of the cases revolves around one accused company namely M/s Home Trade Limited, which is alleged to have engaged in the business of

Stock, Securities, Brokering and Trading. The allegations against the petitioner herein and one Sanjay Hariram Agarwal are that they were the authorized signatories of the accused company and while acting in the capacity of Directors of the said accused company, they entered into several transactions dealing with government

securities and further sold the said securities without any authorization. Further, it has also been alleged that the government securities were not delivered within time and the money raised thereby has been misappropriated by the accused persons including the petitioner herein.

3. During the pendency of the instant petitions, application for intervention (bearing I.A. No. 134476 of 2021) has also been filed on behalf of one applicant namely; Omprakash Bhaurao Kamdi, seeking permission to intervene on the grounds of being a 'necessary' and 'proper' party as stated in the application.

4. Before advertng to merits of the transfer petitions, the application seeking intervention is being taken up for disposal. The intervenor claims to be an agriculturist who is dependent on

financial aid provided by Nagpur District Central Cooperative Bank Limited (hereinafter referred as NDCCB) for his day-to-day agricultural activities. It is said Chairman of NDCCB, who lodged an FIR in 2002 against the petitioner and other accused persons alleging non-delivery of the government securities worth Rs. 125 crores which NDCCB purchased through accused company in which petitioner and other accused persons were directors. The petitioner also sought transfer of concerned trial in the instant transfer petitions.

5. It is a settled principle of law in criminal jurisprudence that intervention application filed by a third party should not ordinarily be allowed in criminal cases unless the Court is satisfied that on the grounds on which the person seeking intervention is directly or substantially related to the case and question of law which may affect him adversely; or in the opinion of Court, joining the intervenor in the case is expedient in public interest. Having perused the contents of intervention application, nothing is averred in the application, how non-joining of applicant may cause prejudice or affect the public interest. The

applicant is neither a complainant in any of the cases of which transfer is being sought, nor he has any direct involvement or ground of his joining in public interest. The intervenor has no locus to intervene in the present petition, therefore, I am of the opinion that the grounds as mentioned by the intervenor are not proper to allow the application. It is to observe that prayer in the present petition

is confined to transfer the criminal trials pending before Trial Courts in different States for trial by one Court in one State and in such circumstances, the prayer for intervention cannot be allowed for reasons mentioned above. Consequently, I.A. No. 134476 of 2021 seeking intervention stands dismissed.

6. Reverting to the merits of the transfer petitions, learned counsel for petitioner has contended that multiple FIRs were registered against petitioner and other accused persons in different States having similar set of allegations, which has led into multiple trials being pending before various Trial Courts in different States for adjudication. Most of the accused persons in all FIRs and witnesses thereof are common. However, for the

purpose of trial, all the accused as well witnesses have to attend hearing dates before various Courts leading to delay and huge expenses. Moreover, most of the transactions pertaining to the alleged offence have taken place in Mumbai, Maharashtra and as per the chart supplied by the petitioner, majority of the witnesses relevant for the purpose of trial are also from Mumbai. However, the petitioner has prayed the transfer of all cases for trial by one

Court primarily on the grounds of convenience, expeditious disposal and no-prejudice may be caused to the defence of the accused for fair trial and to secure ends of justice.

7. Per contra, the learned counsel for respondent has opposed the transfer petitions primarily on the ground that the transfer petitions have been filed belatedly. It has been contended that, High Court of Bombay vide order dated 24.06.2021 passed in Criminal Application No. 628/2014, directed the concerned Trial Court to complete the trial in C.C. No. 147/2002 (i.e. one of the cases of which transfer is being sought in the instant petitions) by passing final judgment and order within a maximum period of

four months. The proceedings in the said case are already at the final stage. Hence, the prayer of the petitioner seeking transfer of cases as mentioned deserves to be dismissed.

8. After having heard both the sides, the primary issue for consideration before this Court is *'Whether the criminal cases pending before different Trial Courts in four States can be transferred to one Trial Court in one State?; Whether transfer of case of one of the criminal case which is at the final stage of trial before concerned Court in Nagpur, can be directed to be transferred at such belated stage?'*

9. To answer the aforesaid questions, first of all it is necessary to know the underlying intention of Section 406 of CrPC. Section 406 deals with the power of Supreme Court to transfer the cases. The Court can exercise such power for fair trial and to secure the ends of justice. The language impliedly left the transfer of the cases on the discretion of the Court. If the Court is satisfied that it is imperative to transfer the cases in the interest of justice or to secure ends of justice, then it may do so.

10. In the instant case, it is not in dispute that since 2002, multiple FIRs across four States namely; Gujarat, Maharashtra, New Delhi and West Bengal have been filed against petitioner and other accused persons containing broad and common allegations pertaining to act done in collusion by accused persons to defraud the complainants and misappropriate the money raised thereby while dealing/trading in government securities in the name of accused company M/s Home Trade Limited. The State in its counter affidavit has stated that during investigation, the accused

Company was found not to be eligible to deal in transactions relating to government securities, whereas, petitioner and other accused person namely Sanjay Hariram Agarwal were acting as Directors and authorized signatories of accused Company. From a bare perusal of the facts and FIRs, it is seen that there is commonality of facts in each FIR and that most of the transactions have taken place in Mumbai. Further, the FIRs mainly have petitioner and Sanjay Hariram Agarwal as common accused persons.

11. As per the details provided by petitioner in a chart annexed with petition, out of all the nineteen FIRs registered against petitioner and other accused persons, one FIR has been registered in Kolkata, West Bengal; two FIRs are registered in Delhi; nine FIRs are registered in different districts of Gujarat and seven FIRs are registered in different districts of Maharashtra. Furthermore, as stated by petitioner and unrefuted by respondent State, out of total 689 witnesses in all nineteen cases pending before respective Trial Courts, 236 witnesses are from Mumbai. It is further not disputed that in multiple cases, almost 20 years have lapsed and yet majority of the trials are pending at the initial stage. It wouldn't be out of place to mention that primary reason for such delay is the multiplicity of proceedings alongwith practical difficulties for the Trial Court to secure the presence of witnesses as well as accused for concluding the trial.

12. The contention of the State that prejudice will be caused if the transfer is allowed at such a belated stage when one of the criminal proceedings is at the final stage is bereft of merit. At

this juncture, it is apt to refer order dated 24.06.2021 passed by High Court of Judicature at Bombay in Criminal Application No. 628/2021 filed by accused Sanjay Hariram Agarwal seeking transfer of criminal cases pending against him. The same is reproduced for ready reference as thus:

“.....(ii) We direct that the trial in said C.C. No. 147/2002 (Crime No. 101/2002 registered with Ganesh Peth Police Station, Nagpur) be completed by passing final judgment and order within maximum period of four months from today. We make it clear that we are granting maximum four months’ time in view of Covid-19 restrictions.....”

“(iii) We make it clear that after completion of trial in said C.C. No. 147/2002 (Crime No. 101/2002 registered with Ganesh Peth Police Station, Nagpur) against other accused except the Applicant, the trial against Applicant be commenced by conducting the same expeditiously and preferably on day-to-day basis and the same be completed within a period of four months after commencement of trial against present Applicant.”

As is evident from the aforesaid order, the High Court directed completion of trial in C.C. No. 147/2002 in a time bound

manner against other accused persons except the applicant i.e., Sanjay Hariram Agarwal (accused no. 3 in C.C. No. 147/2002). The High Court further directed that once the trial against other accused persons is completed, then only trial against applicant therein shall commence. The High Court effectively split the trial of other accused persons from trial of Sanjay Hariram Agarwal and caused serious prejudice. As is gathered from the records and also stated above, accused Sanjay Hariram Agarwal alongwith petitioner herein were acting in the capacity of the Directors of accused company. The person who could have put the best defence (oral as well as documentary) before Trial Court where evidence led by prosecution was common and mostly related to same transaction, was effectively excluded by the order of High Court. In my considered view, such an approach taken by High Court is prima-facie amounts to differential treatment, causing serious prejudice to the right of fair trial of other accused persons including the petitioner herein.

13. In view of the foregoing discussion, considering the common nature of allegations raised against the petitioner in all

FIRs and criminal proceedings emanating therefrom which are yet pending before respective Trial Courts in four States, I am of the opinion that to meet the ends of justice and fair trial, the transfer petitions deserve to be allowed. Therefore, the instant transfer petitions are disposed-off with the following directions:-

- a) The criminal cases, as specified in para 1 (clause (i) to (xvi)) of this order shall be transferred from the courts, where those are pending, to the court of Principal Judge, Bombay City Civil and Sessions Court, Fort, Mumbai – 400032, Maharashtra;
- b) the Principal Judge is at liberty to assign the cases to any of the Court situated in his jurisdiction to try all those cases. He is also at liberty to assign some of the cases to any other courts also, if necessary;
- c) it is further directed that the transferor courts shall immediately transmit the record of concerned cases to the Principal Judge, Bombay City Civil and Sessions Court, Fort, Mumbai – 400032, which should reach on or before 31.10.2022;

- d) all the accused in the concerned cases shall appear before the Principal Judge, Bombay City Civil and Sessions Court, Fort, Mumbai on 14.11.2022;
- e) on assignment of those cases to the concerned Court(s), as directed hereinabove, the said Court(s) shall frame the charges within a period of two months from the date of appearance, or on securing presence of the accused persons, if absent; and thereafter the trial be concluded as expeditiously as possible, not later than two years. It is needless to observe that the examination of the witnesses in all cases will be recorded by the Court(s) separately, thereby it should not cause any prejudice to any accused.

.....J.
(J.K. MAHESHWARI)

**New Delhi;
September 9, 2022.**



2023 INSC 671

NON-REPORTABLE**IN THE SUPREME COURT OF INDIA****CRIMINAL ORIGINAL JURISDICTION****MISCELLANEOUS APPLICATION NO. OF 2023****[D.NO. 33197 OF 2022]****IN****TRANSFER PETITION (CRIMINAL) NOS. 333-348/2021**

Ketan Kantilal Seth

.....Petitioner

VERSUS

The State of Gujarat and Ors.

.....Respondents

WITH**M.A. NO. 1935 OF 2022 IN T.P. (CRL.) NOS. 333-348 OF 2021****O R D E R****J. K. Maheshwari, J.**

1. In the instant case, I.A. No. 156023/2022 and Miscellaneous Application No. 1935/2022 have been filed seeking modification/recall of order dated 09.09.2022 passed by this Court in Transfer Petition (Criminal) Nos. 333-348 (hereinafter referred to as 'Transfer Petition'), whereby, this

Signature Not Verified

Digitally signed by
Jayant Kumar Arora
Date: 2023.08.04
17:59:31 IST
Reason: [S]

Court allowed the said petition filed by Petitioner/accused Ketan Kantilal Seth and directed the transfer of pending matters as prayed by him in the

petition to the Court of Principal Judge, Bombay City Civil and Sessions Court, Fort, Mumbai – 400032, Maharashtra.

2. For ready reference, reliefs as sought in the aforesaid two applications moved at the instance of intervenor namely 'Omprakash Bhauraoji Kamdi' and 'Respondent No. 12/State of Maharashtra' are reproduced as thus –

I. I.A. No. 156023/2022 – Application filed on 29.09.2022 by intervenor for 'modification/recall' of order dated 09.09.2022;

Prayer – **a.** Recall/modify the order dated 09.09.2022 passed by this Hon'ble Court in Transfer Petition (Crl.) Nos. 333-348 of 2021 and transferring all the Trials pending against the Petitioner including the trial in R.C.C. No. 147/2002 pending before Ld. 2nd Additional Chief Judicial Magistrate, Nagpur which is already concluded by the Ld. Trial Court;

b. pass such other order(s) and further order/direction(s) as is deemed just and proper in the facts and circumstances of the case.

II. Miscellaneous Application No. 1935/2022 – Application filed on 26.10.2022 by Respondent No.

12/State of Maharashtra seeking 'modification/recall' of order dated 09.09.2022.

Prayer – **a.** Recall/modify the order dated 09.09.2022 passed by this Hon'ble Court in the present Transfer Petition, transferring all the pending trials against the Petitioner most of which are already at final stage of hearing by the Ld. Trial Court;
b. pass any additional order(s) and subsequent order/direction(s) considered reasonable and proper in the facts and circumstances of the case.

3. Before advertng to the contentions made in the case, it would be relevant to mention the brief backdrop of the proceedings/orders passed by this Court during the pendency of the Transfer Petition which ultimately led to the filing of the two applications by the intervenor and Respondent No. 12/State of Maharashtra respectively. The same is reproduced as thus –

i. 18.08.2021 – Accused Ketan Kantilal Seth filed Transfer Petition (Criminal) Nos. 333-348/2021 before this Court. In the said petition, alongside State of Gujarat, State of West Bengal, Government of NCT of Delhi and respective co-accused persons involved in

the trials, State of Maharashtra was also arrayed as Respondent No. 12.

- ii. 09.09.2021** – This Court issued notice in the Transfer Petition and directed the other co-accused persons arrayed as respondents to be served.
- iii. 05.10.2021** – This Court granted ‘stay’ on further proceedings in R.C.C. No. 147/2002 (main matter in question).
- iv. 18.10.2021** – One Omprakash Bhauraoji Kamdi (the intervenor), filed I.A. No. 134476/2021 seeking intervention in the Transfer Petition primarily on the ground that he was an agriculturist and was by and large dependent on the financial aid of Nagpur District Central Co-operative Bank Limited (hereinafter referred to as NDCCB Ltd.), which was one of the banks allegedly defrauded by the accused.
- v. 13.05.2022** – Stay granted by this Court vide order dated 05.10.2021 was modified on the pretext that the proceedings in R.C.C. No. 147/2002 are at the stage of final arguments. Considering the same, this Court

directed the Trial Court to complete the hearing of arguments, though, restrained it from delivering/pronouncing the judgment in the said case.

vi. 22.07.2022 – With the consent of all the parties, the Transfer Petition was heard finally, and the order was reserved.

vii. 09.09.2022 – The Transfer Petition of accused Ketan Kantilal Seth was allowed while dismissing the intervention application of intervenor and the cases were accordingly transferred to the Court of Principal Judge, Bombay City Civil and Sessions Court, Fort, Mumbai – 400032, Maharashtra.

viii. 29.09.2022 – Intervenor Omprakash Bhauraoji Kamdi filed I.A. No. 156023/2022 seeking ‘modification/recall’ of the order dated 09.09.2022 with other prayers as mentioned above.

ix. 26.10.2022 – Respondent No. 12/State of Maharashtra filed Miscellaneous Application No. 1935/2022 seeking ‘modification/recall’ of the order dated 09.09.2022 with other prayers primarily on the

ground that no opportunity of hearing was afforded to the State on the day of final hearing to oppose the Transfer Petition.

- x. 10.11.2022** – Review Petition bearing Diary No. 36121/2022 was filed on behalf of Respondent/Accused Nos. 20, 23, 25, 26, 30, 31, 32 and 34 titled as ‘Ghanshyam Lahanuji Mudgal and others. Vs. Ketan Kantilal Seth and others’ seeking review of order dated 09.09.2022, which is pending.

4. This Court as mentioned above, allowed the Transfer Petition (Criminal) Nos. 333-348 of 2021 vide final order dated 09.09.2022 and issued following directions in paragraph 13 –

“13. In view of the foregoing discussion, considering the common nature of allegations raised against the petitioner in all FIRs and criminal proceedings emanating therefrom which are yet pending before respective Trial Courts in four States, I am of the opinion that to meet the ends of justice and fair trial, the transfer petitions deserve to be allowed. Therefore, the instant transfer petitioners are disposed-off with the following directions –

a. The criminal cases, as specified in para 1 [clause (i) to (xvi)] of this order shall be transferred from the Courts,

where those are pending, to the court of Principal Judge, Bombay City Civil and Sessions Court, Fort, Mumbai – 400032, Maharashtra;

b. the Principal Judge is at liberty to assign the cases to any of the Court situated in his jurisdiction to try all those cases. He is also at liberty to assign some of the cases to any other courts also, if necessary;

c. it is further directed that the transferor Courts shall immediately transmit the record of concerned cases to the Principal Judge, Bombay City Civil and Sessions Court, Fort, Mumbai – 400032, which should reach on or before 31.10.2022;

d. all the accused in the concerned cases shall appear before the Principal Judge, Bombay City Civil and Sessions Court, Fort, Mumbai on 14.11.2022;

e. on assignment of those cases to the concerned Court(s), as directed hereinabove, the said Court(s) shall frame the charges within a period of two months from the date of appearance, or on securing presence of the accused persons, if absent; and thereafter the trial be concluded as expeditiously as possible, not later than two years. It is needless to observe that the examination of the witnesses in all cases will be recorded by the Court(s) separately, thereby it should not cause any prejudice to any accused.”

5. We now proceed to refer the contentions as raised by intervenor and State of Maharashtra during hearing.

6. Mr. Mahesh Jethmalani, learned senior counsel appearing on behalf of intervenor in I.A. No. 156023/2022 primarily contested the application on the merits of the Transfer Petition and stated that the petition was filed by accused Ketan Kantilal Seth with an ulterior motive to de-rail and delay the trials which are pending against him since almost 20 years in different States. He further contended that, allowing of the Transfer Petition vide order dated 09.09.2022 has led to de-novo trial of R.C.C. No. 147/2002 and in fact, this Court has effectively set-aside the order dated 24.06.2021 passed by Bombay High Court in Criminal Application No. 628/2021 vide which the Trial Court was directed to conclude the trial in R.C.C. No. 147/2002 within specified time, wherein hearing stood concluded, though judgment was not pronounced by Trial Court in view of the order dated 13.05.2022 of this Court. While closing the arguments, the learned senior counsel submitted that such transfer of cases by this Court has effectually led to an adverse effect on the whole

efforts of all the stakeholders involved who have been in pursuit of justice since more than 20 years.

7. Mr. Tushar Mehta, learned senior counsel appearing on behalf of State of Maharashtra, contested M.A. No. 1935/2022 and sought recall/modification of the order dated 09.09.2022 predominantly on the ground that no opportunity of hearing was given to the State on the date when the matter was finally heard and same amounts to violation of principles of natural justice. It was further contended that, had there being any opportunity given to the State, all the development of the proceedings in respective Courts would have been brought to the notice of this Court. Learned senior counsel also laid emphasis on the fact that in view of the directions issued in paragraph 13(e), the trials are required to be started from the stage of framing of charge. It is said that, as per order dated 13.05.2022 of this Court, arguments were heard in R.C.C. No. 147/2002 by 155-II, Additional Chief Judicial Magistrate, First Class, Nagpur and only the judgment is to be pronounced. Therefore, it was prayed that the order dated 09.09.2022 may be modified to the extent by which de-novo trial of that case may be avoided. To fortify his

prayer, emphasis was laid on the order of this Court dated 29.11.2022 in the instant applications, by which the transfer of the R.C.C. No. 147/2002 was kept in abeyance, and it was also directed that fresh trial shall not commence in the said case.

8. Per contra, Mr. Vikas Singh, learned senior counsel appearing on behalf of accused Ketan Kantilal Seth, vociferously opposed both the applications and submitted that the Transfer Petition was heard by consent of the parties and the submissions made before this Court are mere reiterations and purely an attempt to re-open the case for hearing on merits which is not permissible as per Order XII Rule 3 of Supreme Court Rules, 2013 (hereinafter referred to as "Supreme Court Rules"). Further, he contended that the submission of State of Maharashtra with respect to not granting opportunity of hearing at the time of final hearing of Transfer Petition is not correct because all the parties were represented, and appearance has been marked in the order dated 22.07.2022 of this Court while closing hearing and reserving the case for order. Learned senior counsel also disputed the locus of intervenor Omprakash Bhauraoji Kamdi and drew our attention to the application submitted by intervenor before

this Court in contrast to the affidavit filed by intervenor before Bombay High Court Criminal Application No. 628/2021 to demonstrate his contradictory stand. Our attention was specifically drawn to the fact that in affidavit filed by said intervenor before Bombay High Court, he has claimed to be a member of NDCCB Ltd. which is in complete contravention to his stand before this Court. In the order dated 09.09.2022, this Court made it clear that the applicant does not have any locus to contest the Transfer Petition and hence, the intervenor at the very outset has to prove his locus and his claim to be a poor agriculturist dependent on the NDCCB Ltd. for financial aid is misplaced. Lastly, it is urged that the Judge in Nagpur who was trying case R.C.C. No. 147/2002 before whom the arguments were advanced and hearing took place, has already been transferred to Pune and hence, the contention of Mr. Tushar Mehta, learned senior counsel that hearing is already concluded is of no relevance now.

9. Furthermore, in response to the reply to the stand taken by accused persons who were arrayed as Respondent Nos. 20, 23, 25, 26, 30, 31, 32 and 34 in the instant matter, it has been

submitted that they have already filed Review Petition [as stated in Para 3 (x) above] seeking review of order dated 09.09.2022. Therefore, they may take the recourse by pursuing pending review petition.

10. Heard learned counsels for the parties and perused the material available on record. At this juncture, it is apt to produce relevant provision of Order XII of the Supreme Court Rules, which reads as thus:

“3. Subject to the provisions contained in Order XLVII of these rules, a judgment pronounced by the Court or by a majority of the Court or by a dissenting Judge in open Court shall not afterwards be altered or added to, save for the purpose of correcting a clerical or arithmetical mistake or an error arising from any accidental slip or omission.”

11. By the aforesaid, it is clear that any alternation or addition to a judgment pronounced by Court can be made only to correct a clerical or arithmetical mistake or an error arising out of an accidental slip or omission. It is well settled that any application filed on the pretext of ‘clarification/addition’ while evading the recourse of review, ought not to be entertained and should be

discouraged. The time and again, this Court has deprecated such practice and lately in **‘Supertech Limited Vs. Emerald Court Owner Resident Welfare Association & Ors., (Miscellaneous Application No. 1572 of 2021 in Civil Appeal No. 5041 of 2021)’** while answering the issue on similar Miscellaneous Application filed for ‘clarification/modification’, this Court observed as thus –

*“8. In successive decisions, this Court has held that the filing of applications styled as “miscellaneous applications: or “applications for clarification/modification” in the guise of a review cannot be countenanced. In **Gurdip Singh Uban (supra¹)**, Justice M Jagannadha Rao, speaking for a two-Judge Bench of this Court observed:*

“17. We next come to applications described as applications for “clarification”, “modification” or “recall” of judgments or orders finally passed. We may point out that under the relevant Rule XL of the Supreme Court Rules, 1966 a review application has first to go before the learned Judges in circulation and it will be for the Court to consider whether the application is to be rejected without giving an oral hearing or whether notice is to be issued. Order XL Rule 3 states as follows: “3. Unless otherwise ordered by the Court, an application for review shall be disposed of by circulation without any oral arguments, but the petitioner may supplement his petition by additional written arguments. The Court may either dismiss the

1 (2000) 7 SCC 296

*petition or direct notice to the opposite party....” In case notice is issued, the review petition will be listed for hearing, after notice is served. This procedure is meant to save the time of the Court and to preclude frivolous review petitions being filed and heard in open court. However, with a view to avoid this procedure of “no hearing”, we find that sometimes applications are filed for “clarification”, “modification” or “recall” etc. not because any such clarification, modification is indeed necessary but because the applicant in reality wants a review and also wants a hearing, thus avoiding listing of the same in chambers by way of circulation. Such applications, if they are in substance review applications, deserve to be rejected straight away inasmuch as the attempt is obviously to bypass Order XL Rule 3 relating to circulation of the application in chambers for consideration without oral hearing. By describing an application as one for “clarification” or “modification”, — though it is really one of review — a party cannot be permitted to circumvent or bypass the circulation procedure and indirectly obtain a hearing in the open court. What cannot be done directly cannot be permitted to be done indirectly. (See in this connection a detailed order of the then Registrar of this Court in *Sone Lal v. State of U.P.* [(1982) 2 SCC 398] deprecating a similar practice.)*

18. We, therefore, agree with the learned Solicitor General that the Court should not permit hearing of such an application for “clarification”, “modification” or “recall” if the application is in substance one for review. In that event, the Court could either reject the application straight away with or without costs or permit withdrawal with leave to file a review application to be listed initially in chambers.”

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12. The hallmark of a judicial pronouncement is its stability and finality. Judicial verdicts are not like sand

*dunes which are subject to the vagaries of wind and weather². A disturbing trend has emerged in this court of repeated applications, styled as Miscellaneous Applications, being filed after a final judgment has been pronounced. Such a practice has no legal foundation and must be firmly discouraged. It reduces litigation to a gambit. Miscellaneous Applications are becoming a preferred course to those with resources to pursue strategies to avoid compliance with judicial decisions. A judicial pronouncement cannot be subject to modification once the judgment has been pronounced, by filing a miscellaneous application. Filing of a miscellaneous application seeking modification/clarification of a judgment is not envisaged in law. Further, it is a settled legal principle that one cannot do indirectly what one cannot do directly [*Quando aliquid prohibetur ex directo, prohibetur et per obliquum*"].*

12. As per the said legal position, it is clear that the power of this Court under the said Rule is limited and can only be exercised sparingly with due caution while confining itself within the parameters as described only to correct clerical/arithmetical mistakes or otherwise to rectify the accidental slip or omission.

² Meghmala Vs. G Narasimha Reddy, (2010) 8 SCC 383

13. On perusal of the order dated 09.09.2022, it is apparent that the application filed by the intervenor seeking intervention in the Transfer Petition was dismissed in absence of any grounds in the application to show that intervenor had any direct or substantial nexus in the matter or that he was adversely affected by any question of law. Accordingly, it was observed that the intervenor does not have any locus to intervene. Further, this Court was of the view that the cases which were referred to in clause (i) to (xvi) in paragraph 1 of the said order and were pending since more than 20 years with no substantial progress made in trial proceedings, and that allegations made in all the cases were similar and most of the witnesses were from Maharashtra. Hence, to avoid any prejudice in other pending trials and with an intent to consolidate all those cases, directions as referred above in paragraph 13 were issued to Principal Judge, Bombay City Civil & Sessions Court to conclude the trial in transferred cases within the time frame from the date of transfer.

14. During the course of hearing, Mr. Tushar Mehta, learned senior counsel has narrowed his arguments with particular reference to paragraph 13(e) of the order dated 09.09.2022, inter-

alia, contending that in view of the said direction, de-novo trial in the matters in which final hearing is concluded from the stage of framing of charge is not proper. He further urged that, in R.C.C. No. 147/2002 pending before 155-II, Additional Chief Judicial Magistrate, First Class, Nagpur, arguments have been duly heard and the trial is on the verge of conclusion and only the judgment is left to be pronounced, therefore, to such extent, clarification of the order dated 09.09.2022 may be directed. On the other hand, supplementing the argument of State of Maharashtra, Shri Mahesh Jethmalani persuaded us to recall the order, however, Shri Vikas Singh contested the said arguments on the anvil of Order XII Rule 3 of Supreme Court Rules and submitted that such recall is not permissible under the said provision.

15. After hearing learned counsels for the parties, in our view the recall of the entire order as prayed for on the instance of the intervenor is not justified, in particular looking at the detailed discussion made in order dated 09.09.2022. Simultaneously, it cannot be ignored that State of Maharashtra has filed application asking modification of the order. Therefore, in view of the aforesaid, we refrain ourselves to recall the order on insistence of

the intervenor and deem it appropriate to consider the prayer of the State of Maharashtra taking note of the submissions made in this respect.

16. Now, so far as contention of Mr. Tushar Mehta, learned senior counsel is concerned, it is seen from paragraph 13(e) of order dated 09.09.2022, a direction was issued to the effect that on assignment of the transferred cases, the transferee Court(s) shall frame the charges within two months and thereafter conclude the trial not later than two years. Considering the fact that in R.C.C. No. 147/2002, arguments were finally heard, and hearing was concluded, therefore, clause (e) of paragraph 13 of order dated 09.09.2022 prima-facie may cause pre-judice to complainant if the trial is restarted from the stage of framing of charges. In our view, it appears to be a mistake in the order by accidental slip or omission. Although, in the order of the Transfer Petition, some observations with respect to hearing in the said trial is there, but it is due to omission and re-opening of the entire case R.C.C. No. 147/2002 would not be in fair administration of justice. We find force in the argument of Mr. Tushar Mehta, learned senior counsel to such extent. In our

view, due to omission, the said fact requires clarification and rectification, which took place due to accidental slip in the order. At this stage, the argument advanced by Shri Vikas Singh that the Judge who heard the arguments in R.C.C. No. 147/2002, has already been transferred, assumes not relevance for rectification of mistake and to issue conclusive directions in the matter.

17. As discussed above, the trial of R.C.C. No. 147/2002 pending in the Court of 155-II, Additional Chief Judicial Magistrate, First Class, Nagpur was at the stage of final argument. The Presiding Officer who heard the arguments has already been transferred prior to pronouncing the judgment in pursuance of order of this Court. Therefore, now on joining of new incumbent, the final arguments in the said trial ought to be heard by the new presiding officer to pronounce the judgment. Therefore, on modification of order of transfer dated 09.09.2022 of said R.C.C. No. 147/2002 to such extent and giving liberty to the new incumbent Presiding Officer in the aforesaid Court at Nagpur to decide the case from the stage of final hearing itself, the same would not cause any prejudice to the stakeholders and it shall meet the ends of justice.

18. Further, so far as Review Petition preferred by Respondent/Accused Nos. 20, 23, 25, 26, 30, 31, 32 and 34 bearing Diary No. 36121/2022 and titled as 'Ghanshyam Lahaunji Mudgal and others Vs. Ketan Kantilal Seth and others' is concerned, essentially the grounds on which the prayer has been made therein by these accused persons is more or less similar to the submissions made by them in reply filed by them in support of the I.A. filed by State of Maharashtra. In a nutshell, the aforesaid accused persons in support of State of Maharashtra have submitted that all of them are senior citizens aged between 65 to 85 years and they are inter-alia suffering from various ailments including high blood pressure, sugar, heart issues etc. Further, they have submitted that vide order dated 09.09.2022, the cases pending against them in Amravati [as mentioned in para 1(xiv)] have also been transferred to the Court of Principal Judge, Bombay City Civil and Sessions Court, Fort, Mumbai – 400032, and in view of such transfer, they may suffer irreparable hardships since they are not in a stable physical condition to travel from Amravati to Mumbai which is approximately 600 kms far and takes 10 hours one way to cover the distance. It has been further stated that all the aforesaid accused persons have

delicate health conditions and therefore prayed that their cases may also be stayed from transfer and be continued before the transferor Court at Amravati itself.

19. We have duly considered the submissions made by the aforesaid respondents/accused persons and having perused their medical records, we find reasonable force in the contentions as raised above. Having said so, we are of the considered opinion that

in view of this peculiar circumstances of the instant case, it would be in the interest of justice and all stakeholders to modify the order dated 09.09.2022 to such extent as prayed herein above and transfer of the cases from Amravati concerning the aforesaid accused persons be refrained from being transferred to the transferee Court. In view of the foregoing discussion, we deem it appropriate to grant the relief as prayed by the respondent/accused nos. 20, 23, 25, 26, 30, 31, 32 and 34. Further, in view of the relief as granted and in order to circumvent the multiplicity of proceedings, we deem it fit to

observe that the aforesaid review petition be now treated as infructuous and disposed-off in terms of above observation.

20. In addition, some clarification to the directions contained in 13(e) which relates to processing the trial on transfer is also required to be issued. Thereby, the cases received to the transferee Court, shall be proceeded without any ambiguity and the trials of those cases may be concluded within time frame.

21. In view of the foregoing discussion, these applications be treated as disposed-off modifying the order dated 09.09.2022 to the extent indicated herein below –

- I. The order dated 09.09.2022 passed in Transfer Petition (Criminal) Nos. 333-348/2021 is hereby modified and maintained subject to –

I-A. Criminal proceedings relating to Respondent/Accused Nos. 20, 23, 25, 26, 30, 31, 32 and 34 pending before transferor Court at Amravati, if already transferred to transferee Court, shall be returned to the transferor Court and

continue at the transferor Court from the stage as received;

I-B. The review petition filed by Respondent/Accused Nos. 20, 23, 25, 26, 30, 31, 32 and 34 bearing Diary No. 36121/2022 and titled as 'Ghanshyam Lahaunji Mudgal and others Vs. Ketan Kantilal Seth and others' is dismissed as infructuous in view of observations made in paragraph 19 herein.

- II. The transfer of R.C.C. No. 147/2002 by order dated 09.09.2022 passed in Transfer Petition (Criminal) Nos. 333-348/2021 is restrained to the transferor Court with a clarification that the trial shall proceed from the stage of final arguments by the Presiding Officer uninfluenced by the directions in para 13(e) of order dated 09.09.2022.
- III. Directions issued in para 13(e) in order dated 09.09.2022 be now read as under –

“On receiving the cases as mentioned in para 13(a), the transferee Court shall proceed in those cases from the stage of the case in which it had

received from the transferor Court(s). The cases in which charges have not been framed, it shall be framed within two months and the trial shall start immediately. In cases in which charges have already been framed and evidence has been started after submitting the trial program, those cases shall proceed from that stage of trial. Meaning thereby, de-novo trial in such cases from stage of framing of charge is not required. The transferee Court(s) shall conclude all the trials as expeditiously as possible within a period of two years.”

IV. Lastly, we make it clear that this Court vide order dated 09.09.2022 never intended or meant to set-aside the order dated 24.06.2021 passed by Bombay High Court. It is clarified that the concerned trial Court at Nagpur shall make all the endeavor to comply with the timeline as given by Bombay High Court and decide the case in accordance with law.

.....J.
(SURYA KANT)

.....J.
(J.K. MAHESHWARI)

**NEW DELHI;
AUGUST 4, 2023.**

IN THE COURT OF SESSIONS FOR GREATER BOMBAY

RCC
POCSO Spl. / Session Case No. 147 of 2002

The State of Maharashtra Complainant

V/S

Ketan Sheth Accd no _____

Certified Copy of

D Roznama dt. 20/1/23.

M 118122
Asst. Superintendent
City Sessions Court
Greater Bombay

U-893
Certified copy supplied on
Payment of usual charges
vide Receipt No 1415328
Dated 25/1/23

Copy applied for on 25/1/23
Copy ready on 1/2/23
Copy despatched on 1/2/2023
delivered



Sr. No.1
20.01.2023
SC Transfer
Petition No.
333-348/21
District Court
Nagpur
RCC No.
3030147/02

CORAM - HIS HONOUR THE SESSIONS JUDGE,
SHRI. A. SUBRAMANIAM (C.R. NO.19)

Accused No.1 to 8, 10 and 11 are absent.

Accused No.9 in person is present.

Adv. Saurabh Tahurkar for accused No.2 is present and filed exemption application on behalf of accused No.2. TOR.

Q - Exemption granted for today only.

Adv. Siddiqui h/f Adv. Dipak Mane for accused No.3 is present and filed exemption application on behalf of accused No.3. TOR. Q -

Exemption granted for today only.

Adv. Poonam Ankaleshwaria for accused No.4 is present and filed exemption application on behalf of accused No.4. TOR. Q -

Exemption granted for today only.

Adv. Arvind Dubey h/f Adv. Jahangir for accused No.5 and 6 is present and filed common exemption application for both accused. TOR. Q - Exemption granted for today only.

Adv. Aayesha Khatri appears on behalf of accused No.7 is present and filed exemption application on behalf of accused No.7. TOR.

Q - Exemption granted for today only.

Adv. Samar Choudhary for accused No.8 is present and filed exemption application on behalf of accused No.8. TOR.

Q - Exemption granted for today only.

Adv. Nidhi Shetty i/b Lex Juris Advocates & Solicitor for accused No.11 is present and filed exemption application on behalf of accused No.11. TOR. Q - Exemption granted for today only.

Adv. Gunjan Mangla for complainant/intervenor is present.

Office report indicates that District Court Morbi, Gujarat CC No. 244/02 matter has not been received as per directions of Hon'ble Supreme Court. **Issue reminder.**

In view of the directions of Hon'ble Supreme Court of India in Transfer Petition No.333-348/21 order dtd.09.09.2022, the Hon'ble Supreme Court of India has directed that all the matters be assigned to one court or one or more court in Mumbai. It is also informed that there are three cases pending in Ld. M. M. Court No.47 and Ld. M. M. Court No.19. Considering this aspect it would be appropriate that the matter be transferred and assigned to court of Ld. M. M. Court No.47th for disposal as per law. It is clarified that District Court Nagpur RCC No. 3030147/02 shall remain on my file in view of order dt. 29.11.2022 till further directions. It is also clarified that Record & Proceeding of Criminal Case No.244/02 has not been

received from District Court Morbi, Gujarat, and orders would be passed on its receipt. **Matters from Serial No.2 to 17 of list annexed are assigned to and be tried by Ld. M. M. Court No.47th**

as per law. Matter at serial No.1 is marked as Stayed. Matter at serial No.18 is not received. **Parties to appear before the concerned court of Ld. M. M. No.47th on 20.02.2023.** The office is directed to forward the R & Ps to the Ld. CMM for compliance of the above order. The present matter will be kept on 31.01.2023 for further directions.

Compared by :- *shmti*

It is Certified copy

Date :- 1st day of Feb, 23

Q, 01/02/2023

For Registrar,
City Sessions Court
Gr. Bombay

[Signature]
Sessions Judge,
Gr. Mumbai.

ANNEXURE-A-3

IN THE COURT OF ADDITIONAL CMM
COURT NO. 47, ESPLANADE COURT, MUMBAI
MISC. APPLICATION NO. OF 2024

Ex. P = 183

IN

C.C. No. 412 of 2007 AND OTHER CONNECTED 15 TRIAL CASES
ON BEHALF OF:

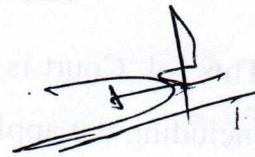
SANJAY HARIRAM AGARWAL. APPLICANT

INDEX

Sl. Nos.	Particulars	Page Nos.
1.		

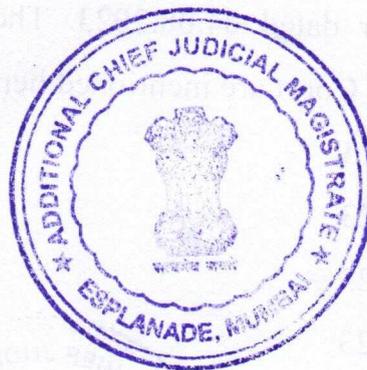
Applicant / Accused

Filed On: 22/05/2024



Filed by

Adv. for Accused



IN THE COURT OF LEARNED, ADDITIONAL CMM, COURT 47,
ESPLANADE COURT, MUMBAI
MISC. APPLICATION NO. OF 2024
IN

C.C. NO. 412 OF 2007 AND OTHER CONNECTED 15 TRIAL CASES
ON BEHALF OF:

SANJAY HARIRAM AGARWAL.

EX-D-183

Application to conduct the trial in accordance with law laid down by Hon'ble Supreme Court in cases several cases dealing with transfer of Multiple FIR/Charge Sheets to be tried by one court

1. This Id. Court is conducting trial in 16 cases pertaining to same accused including the applicant as one of the accused involving similar allegations pursuant to transfer of cases by Hon'ble Supreme Court vide order dated 09.09.2022 in Transfer Petition (Crl.) No. 333-348 of 2021 as further modified by order dated 04.08.2023. The detail of 16 trial going on before this learned Court are mentioned hereinbelow-

- a. CC No.361/2023.
- b. CC No.387/2023
- c. CC No.388/2023
- d. CC No.389/2023
- e. CC No.390/2023
- f. CC No.395/2023
- g. CC No.396/2023
- h. CC No.399/2023
- i. CC No.255/2023



APP to
say.
A CMM/hf
22.05.24



- j. CC No.256/2023
- k. CC No.412/2007
- l. CC No.200/2005
- m. CC No.480/2023
- n. CC No.266/2023
- o. CC No 318/2023



2. That the law has been fairly well settled by Hon'ble Supreme Court on how to conduct a trial in cases dealing with multiple FIRs which have been registered against the accused in different states and where the allegation in the FIRs against the accused are same though the complainant may be different including situations where in some cases FIR has been filed and other cases the chargesheet has been filed and the court has taken cognizance of the case/cases .
3. The THREE JUDGE BENCH OF HON'BLE SUPREME COURT In the case of *Satinder Singh Bhasin Vs. State of U.P(2022) SCC online SC 2155* while dealing with as many as 118 FIRs against an accused has directed consolidation of all the FIRs in one FIR i.e. the First FIR and cases where the investigation is over and chargesheet has been filed, the same shall also be consolidated/ merged in the First FIR by way of supplementary chargesheet.

The Supreme Court in the above case passed the order considering that it will serve the bigger public interest. The relevant portion of the judgement is quoted hereinbelow:-

"As many as 118 FIR have been filed across the State of Uttar Pradesh. However, one FIR is registered at Economic Offence Wing, New Delhi, being No.123/2019 registered on 06.07.2019. We hasten to add that Govt. of NCT of Delhi has no objection to club this FIR along with the principal FIR i.e., FIR No.206/2019 dated 12.02.2019.referred to above.

Accordingly, following the principle enunciated by this Court in *Amish Devgan vs. Union of India & Ors.* (2021) 1 SCC 1, and in the peculiar facts of the present case, we, in exercise of power under Article 142 of the Constitution of India, accede to the relief claimed in terms of the prayer clause pertaining to consolidation of all FIRs, including registered in New Delhi, with FIR No.206/2019 as the principal FIR and for being proceeded with in accordance with law. For, we are also of the opinion that multiplicity of the proceedings will not be in the larger public interest as well.

It is brought to our notice that investigation in respect of some FIRs has been completed and even charge sheet(s) have been filed by the Special Investigation Team (SIT), constituted by the State of Uttar Pradesh in respect of all these cases. In terms of this order, the chargesheet(s) filed in other cases shall stand merged with the charge sheet filed in the criminal case arising out of FIR No.206/2019 dated 12.02.2019.

Further, it will be open to the Investigating Officer in the case registered as FIR No.206/2019, to file a supplementary charge sheet which will be a composite chargesheet to deal with all the statements collated during the investigation in the other cases, including the statement of complainant in the respective FIR as being statement under Section 161 of the Cr.P.C. The supplementary chargesheet to be filed on the basis of the entire record so collected during the investigation in the respective cases will be then made the basis to proceed for trial against the petitioner(s) and named accused therein.

Furthermore, the trial shall proceed as per law from the stage of filing of the supplementary charge sheet. In case the Courts have already taken cognizance on the basis of chargesheet(s) filed in respective cases, those cases in terms of this order shall stand transferred and merged with the trial of the case arising from FIR No.206/2019.

4. It is relevant to point out that the emphasis of the Hon'ble Supreme Court was that there should be essence of One Trial relating to all the FIRs



with an idea to avoid conflicting investigations, trial and judgments . This will *not undermine* the credibility and consistency of Fair Trial and also *facilitate* proper use of judicial resources by consolidation as it avoids repetitive processes, contributing to a quicker resolution of the case, benefiting both the prosecution and the accused.

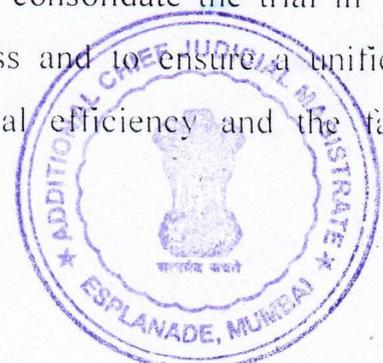
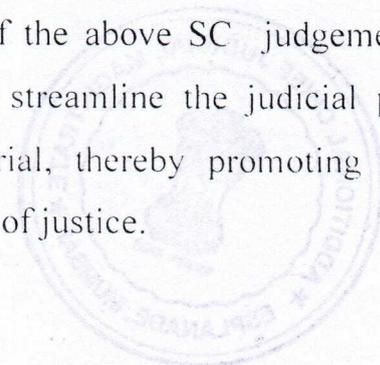
The copy of the THREE JUDGE BENCH OF THE SC JUDGEMENT in the case of Satinder Singh Bhasin v. State of U.P. dealing with transfer of similar cases to one court is filed herewith and marked as **Annexure -1.**

5. In the present case in the Transfer Petition filed in Supreme Court by one of the accused namely Ketan Kantilal Sheth seeking transfer of 16 criminal cases arising from four different states to Mumbai , the Hon'ble Supreme Court has transferred all the above cases to one court in Mumbai to be tried by one court.

The Hon'ble Supreme Court on 09.09.2022 were pleased to pass an order in Transfer Petition (Crl.) Nos.333-348 of 2021 consolidating all cases to be tried by one court while holding that

"considering the common nature of allegations raised against the petitioner in all FIRs and criminal proceedings emanating therefrom which are yet pending in respective trial courts in four states. I am of the opinion that to meet the ends of justice and fair trial, the transfer petition deserves to be allowed".

The essence of the above SC judgement to consolidate the trial in 16 cases and to streamline the judicial process and to ensure a unified approach to trial, thereby promoting judicial efficiency and the fair administration of justice.



THE SC ORDER ALSO ENSURED THAT THERE SHOULD NOT BE STANDALONE AND INDEPENDENT PROCEEDINGS AND RISK CONFLICTING JUDGMENTS IN IDENTICAL CIRCUMSTANCES AND TRANSACTIONS IN SIMILAR CASES .

The copy of the order passed by the Hon'ble Supreme Court dated 09.09.2022 in T.P. (Crl.) No. 333-348 of 2021 has been annexed as **Annexure No. 2** of this application.

6. That from the reading of the first judgment as passed by the THREE JUDGE BENCH OF SUPREME COURT in the Transfer Petition in the case of *Satinder Singh Bhasin (Satinder Singh Bhasin Vs. State of U.P(2022) SCC online SC 2155)* , the Supreme Court in its the judgment passed, made it absolutely clear that the law requires that where there are multiple FIRs which has been registered, all should be consolidated and one trial is to be conducted in relation to all FIR's.

One trial will ensure Fair trial by providing proper opportunity to both the accused and the prosecution including but not limited to avoiding conflicting trial and judgements.

The said essence has also been applied by the Hon'ble Supreme Court in its Judgment dated 9th September 2022 , in the present set of 16 cases , when all the cases has been consolidated to be tried by one court on the following premise :

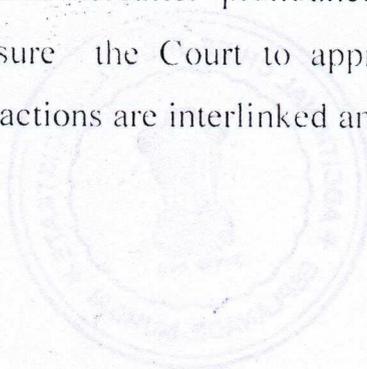


That , if the cases are tried by one court, the court will be in a position to consider all the allegation in all the 16 case arising of allegations of Financial Non Fulfillment of Contracts and thus allowing the Trial Court to examine all the evidence across 16 cases simultaneously to get a in a holistic and more reasoned and equitable view of the entire issue which manifested in 16 cases being filed against the company .

7. In the Judgement dated 9th Sep 2022 by the Hon Supreme Court in the transfer petition of Ketan Kantilal Sheth , the SC in unequivocal terms mandates that while the witness is to be examined separately in all the cases it also implies that the purpose and essence of transfer and consolidation of cases to be tried by one court can be achieved only if Trial in all the cases by examination of witness is concluded first in all cases and thereafter the final arguments in all the cases are heard together and thereafter the judgement is pronounced.

And this is what the several bench of Supreme Court through their several judgments passed previously in cases which deal multiple FIR and Transfer Petitions. The SC through its various Orders passed in Transfer Petitions filed , also mandates the manner in which the Trial Court should conduct a trial where multiple FIRs have been registered and tried involving common nature of allegations.

8. That the applicant further submits that the 16 cases being tried in Court 47, the Trial Court should run the trial simultaneously and conclude the evidence first in all cases and thereafter pronounce the judgements in all the cases . This will ensure the Court to appreciate the entirety of disputes since all the transactions are interlinked and identical.



These transactions in the above cases of financial allegations cannot be separately looked by the Court in a selective and piece by piece manner as all the cases transferred by the SC are interlinked and interconnected and need a holistic view and panoramic examination of evidence and consideration of facts before the Orders are passed by the Trial Court .

9. In a situation of Transfer of multiple cases to one court and in which the Trial Court in running the Trial Serially and passing Judgments in a serial manner will be against the spirit of the Judgment passed by the Hon Supreme Court vide its order dated 9th September 2022.

In fact the SC order meant a consolidated trial in one court to avoid different and contradictory Orders for similar situation and charges and this could then leading to completely difficult and chaotic situation for the accused .

Therefore relying on the Supreme Court Order dated 9th September 2022, it is imperative and important that the trials are completed upto the stage of final arguments by calling for evidence and examining the witness and thereafter final arguments of the counsels for their respective Parties in trial cases be heard.

It is after the final arguments, the pronouncement of all the judgments should be done.



10. That in view of issues mentioned above it is humbly prayed that the conclusion of all trials should be done first by completing the evidence in all trial cases and only thereafter fix the cases for final arguments of the parties in all cases. And the after hearing the final arguments, the pronouncement of all the judgments should be done.

Such an approach will be in accordance with the judgement passed on 9th September 2022 by Hon'ble Supreme Court in the Transfer Petition of Ketan Kantilal Sheth and this will also uphold the laws laid down by THREE JUDGE BENCH OF HON'BLE SUPREME COURT in the case of *Satinder Singh Bhasin (Supra)*.

PRAYER

It is therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to:

- a. Conduct the trial by first concluding the evidence in all the trial cases including examination of witness and only thereafter fix all the cases for final arguments of the counsel of the Parties. On completion of arguments that the judgments be pronounced in all cases.
- b. Pending the Hearing and Final disposal of the present application, the Hon Court be pleased with and not to proceed with further proceedings u/s 313 of CRPC for CC No /PW 412/2007
- c. Ad Interim relief in terms of Prayer Clause (b) above



d. Pass such further order [s] as this Hon'ble Court may deem fit and proper in the facts and circumstances of the cases.

AND FOR THIS ACT OF KINDNESS THE APPLICANT[S] AS IN DUTY BOUND SHALL EVER PRAY.

S. Pawar

Applicant / Accused.

Filed On: 22/05/2024.

[Signature]

Filed by

Adv. for Accused.

Applied on: 24/12/24
Granted on: 24/12/24
Ready on: 27/12/24
Delivery on: 27/12/24

True Copy
[Signature]
Judicial Clerk,
Additional Chief Judicial Magistrate's,
47th Court, Esplanade, Mumbai.



IN THE COURT OF ADDL. CHIEF JUDICIAL MAGISTRATE,

47TH COURT, ESPLANADE, MUMBAI

C.C.NO.412/PW/2007

Order below Exh- 183

1. The present application has been filed to conduct the trial of 16 cases including this case by first concluding evidence in all the cases including examination of witnesses and after final argument by parties and judgment be delivered of all cases at the same time. The 16 cases are transferred to this Court including this case by the order of Hon'ble Supreme Court of India in Transfer Petition (Criminal) Nos.333-348/2021 for which the relief is sought in this application.
2. Learned APP opposed the application by filing say vide Exh-183A on the grounds that the present case is already closed and now fixed for final argument. The application is filed to delay the matter. In some cases the trial is already initiated and direction of Hon'ble Supreme Court is that trial be completed within two years and in one case at Nagpur the accused were convicted.
3. Heard both the sides. The learned advocate for accused argued in length and filed some citations. The present matter alongwith other 15 matters have been transferred to this Court due to order of Hon'ble Supreme Court of India passed in Transfer Petition (Criminal) Nos. 333-348/2021 and in that order there was no any direction by the Hon'ble Supreme Court as demanded. Moreover in the order itself the discretionary power has been given to the Principal Judge, Mumbai to transfer the cases more than one Court it itself reveals the intention of the Hon'ble Supreme Court that matter can be decided separately but speedily. Hence,



2

considering the abovesaid judgment of Hon'ble Supreme Court in the abovesaid Transfer Petition, the application being devoid of merit, is liable to be rejected. Hence the following order is suffice.

ORDER

1. Application is rejected with cost of Rs.5,000/- (Rs.Five Thousand Only) be paid till next date.

R. B. Thakur
(Smt. R.B. Thakur)

Addl. Chief Judicial Magistrate,
47th Court, Esplanade, Mumbai.

Date:24.12.2024

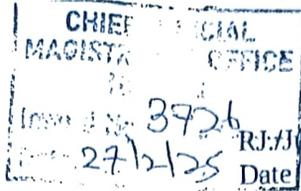
Applied on 24/12/2024
Granted on 24/12/2024
Ready on 27/12/2024
Delivery on 27/12/2024

True Copy

[Signature]
Judicial Clerk, 27/12/2024

**Additional Chief Judicial Magistrate's,
47th Court, Esplanade, Mumbai.**



07
Tel. No. (O) : 2267 1015RJ/Jud.-II/77 /2025
Date: 24th February, 2025

From :

S.R. Agrawal
Registrar (Judicial-II)
High Court, Appellate Side,
Bombay - 400 032.

To,

The Hon'ble the Chief Judicial Magistrate,
Mumbai.**Subject :** To transfer cases from the court Additional Chief
Judicial Magistrate, 47th Court, Esplanade, Mumbai to
any other Court.....**Reference :** 1. Hon'ble Supreme Court order dt. 09.09.2022 in
Transfer Petition No. 333-348/2021.
2. Trial Court letter dated 23.01.2025.
3. Your letter O.W. No. 852/2025 dtd. 05.02.2025.
4. This office letter dated 06.02.2025

Sir,

Apropos the subject, I am under directions to inform your
goodself that the Hon'ble Committee headed by the Hon'ble Judge of the
Bombay High Court has been pleased to direct your goodself to transfer the
criminal cases under reference from the court of Additional Chief Judicial
Magistrate, 47th Court, Esplanade, Mumbai to any other Court, for deciding
the same as per the provision of law.

Hence, your goodself is directed to comply with the aforesaid
directions and report the compliance.

Yours faithfully,

S. R. Agrawal
24.02.2025
Registrar (Judicial-II)



Applied on - 05/3/25

Created on - 05/3/25

Ready on - 06/3/25

Delivered on - 06/3/25

Pages : P. 6 X 7 = 42/-

Recd No - 075/811

CHIEF JUDICIAL MAGISTRATE'S OFFICE
Inward No. 2647
Date 25/2/25

Email ID No. 885/2025
25-02-25

Tel. No. (O) : 2267 1015

RJ./Jud.-II/77 /2025
Date : 24th February, 2025

From :

S.R. Agrawal
Registrar (Judicial-II)
High Court, Appellate Side,
Bombay - 400 032.

To,

The Hon'ble the Chief Judicial Magistrate,
Mumbai.

Subject : To transfer cases from the court Additional Chief
Judicial Magistrate, 47th Court, Esplanade, Mumbai to
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Reference : 1. Hon'ble Supreme Court order dt. 09.09.2022 in
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the same as per the provision of law.

Hence, your goodself is directed to comply with the aforesaid
directions and report the compliance.

24.02.2025

Yours faithfully,

S R Agrawal
24.02.2025
Registrar (Judicial-II)



O.S. to comply
Mehra
CM
27/2/25

No. Estt. 16/ 448 /2025.
 Chief Judicial Magistrate's
 Office, Esplanade, Mumbai.
 Date :- 27.02.2025

OFFICE ORDER

Ref.:- Letter No. RJ/Jud.-11/77/2025 dtd. 24.02.2025 of
 the Hon'ble High Court, Bombay.

On administrative grounds, powers vested under Section 13 (2) of Bharatiya Nagrik Suraksha Sanhita, 2023 and in view of the above reference, it is hereby ordered that, the below criminal cases are withdrawn from the file of Addl. Chief Judicial Magistrate, 47th Court, Esplanade, Mumbai and transferred to the file of respective Courts mentioned in following table, for disposal in accordance with law, with immediate effect.

Sr. No.	Cases withdrawn from the file of	Cases transferred to the file of	Court Case Numbers
		Addl. Chief Judicial Magistrate, 19 th Court, Esplanade, Mumbai.	1. 255/PW/23 2. 256/PW/23 3. 266/PW/23 4. 318/PW/23 5. 480/PW/23
	Addl. Chief Judicial Magistrate, 03 rd Court, Esplanade, Mumbai.	Addl. Chief Judicial Magistrate, 03 rd Court, Esplanade, Mumbai.	1. 391/PW/23 2. 392/PW/23 3. 393/PW/23 4. 394/PW/23 5. 395/PW/23 6. 398/PW/23 7. 399/PW/23
		Addl. Chief Judicial Magistrate, 37 th Court, Esplanade, Mumbai.	1. 361/PW/23 2. 387/PW/23 3. 388/PW/23 4. 389/PW/23 5. 390/PW/23 6. 396/PW/23



..2..

It is requested to conduct the trial of the above said cases on day to day basis and dispose those cases at the earliest.

M. R. A. Shaikh
(M. R. A. Shaikh) 27/2/25
Chief Judicial Magistrate,
Esplanade, Mumbai.

C.C.To:-

1. Addl. Chief Judicial Magistrate, 03rd Court, Esplanade, Mumbai.
2. Addl. Chief Judicial Magistrate, 19th Court, Esplanade, Mumbai.
3. Addl. Chief Judicial Magistrate, 37th Court, Esplanade, Mumbai.
4. Addl. Chief Judicial Magistrate, 47th Court, Esplanade, Mumbai.
5. Registrar, Esplanade, Mumbai.
6. Office Superintendent/Head Clerk.
7. Statement Section.
8. Confidential Section.
9. Office Order File
10. Transfer of Cases File.



No. 251 of 2025
Mumbai, Dt. 03/03/2025

From,

Addl. Chief Judicial Magistrate,
47th Court, Esplanade, Mumbai,

To,

The Honourable Addl., Chief Judicial Magistrate,
19th Court, Esplanade, Mumbai.

Sub.:- Transfer of C. C. NO. 255/PW/2023, C. C. NO.
256/PW/2023, C. C. NO. 266/PW/2023, C. C. NO.
318/PW/2023, C. C. NO. 480/PW/2023

Ref.:- Office Order of the Hon'ble Chief Judicial Magistrate,
bearing O. W. NO. Estt. 16/448/2025 Dt. 27/02/2025

Respected Sir,

With reference to the subject noted above, I have the honour to state that The Hon'ble Chief Judicial Magistrate has transferred above mentioned cases from the file of this court to your Honour's Court .

Hence I am sending the said cases to your Honour's Court. It is requested to direct the concerned staff to acknowledge the receipt of the same.

Thanking you.

Yours faithfully,

IR RICH A. SHUKLA
03/03/2025

Addl. Chief Judicial Magistrate,
47th Court, Esplanade, Mumbai.



1. C. C. NO. 255/PW/2023 Total 01 file (consist of sub file I, II, police papers part I, II and III)

2. C. C. NO. 256/PW/2023 Total 08 files

TRUE COPY

.. 2 ..

Judicial Clerk
Additional Chief Judicial Magistrate,
19th Court, Esplanade, Mumbai

.. 2 ..

3. C. C. NO. 266/PW/2023 Total 01 file consist of part A, B, C
4. C. C. NO. 318/PW/2023 Total 01 file
5. C. C. NO. 480/PW/2023 Total 01 file

