

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (TRANSFER) NO. 16067 of 2024**

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GOVINDJI S/O KHODAJI MAGANJI THKAOR
Versus
STATE OF GUJARAT

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Appearance:

MR RC KODEKAR, ADVOCATE for

MR MITUL D GAUTAM(11446) for the Applicant(s) No. 1

MS VRUNDA C SHAH, APP for the Respondent(s) No. 1 – State

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CORAM: **HONOURABLE MR. JUSTICE SANDEEP N. BHATT**

Date : 23/12/2024**ORAL ORDER**

1. The present petition, under Articles 226/227 of the Constitution of India read with Sections 528 and 447 of the Bharatiya Nagrik Suraksha Sanhita, 2023, is filed by the petitioner with the following prayers :

"8(a) To admit this petition;

(b) To allow this petition by issuing a writ of mandamus or any other writ, order or direction, transferring the Criminal Revision Application No.95 of 2024 from the Court of (name of the Additional District Judge) to any other fair, neutral and impartial Judicial Officer of the same sessions division;

(c) Pending hearing, admission and final disposal of this petition, be pleased to stay the proceedings of the Revision Application No.95 of 2024 pending adjudication before the Presiding Officer (name of the Additional District Judge);

(d) To direct the proper departmental inquiry against the Presiding Officer (name of the Additional District Judge);

(e) To pass such other order as may be deemed just and proper in the circumstances of the case.”

2. While going through the averments made in the petition also by perusing the supporting documents annexed with the petition, this Court, prima facie, finds that matter requires consideration as serious allegations are made about the conduct of the presiding officer concerned, which should be considered in appropriate manner. This Court is conscious that such allegations are made against the judicial officer of the rank of appellate cadre i.e. Sessions Judge.

3. The Registry shall send the entire set of papers of this petition to the concerned Principal District Judge

forthwith and call for detailed explanation of the concerned judicial officer regarding the allegations made in the petition and send the same with remarks of the Principal District Judge to this Court, through the Registrar General, on or before 01.01.2025. The Registrar General will do needful after receipt of such report and also place the same before this Court.

4. In the meantime, interim relief in terms of Para : 8(C) of this application is hereby granted.

Re-list on 06.01.2025 for further orders.

M.H. DAVE

(SANDEEP N. BHATT,J)