

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

WP No. 5303 of 2020

(*THANESHWAR GOLE AND OTHERS Vs THE STATE OF MADHYA PRADESH AND OTHERS*)

Dated : 28-04-2026

Shri Thaneshwar Gole - petitioner No.1 present in person.

Smt. Priyanka Mishra G.A. for the respondent/State.

Heard on I.A. No. 8204/2026 which is an application for transfer of W.P. No.5303/2020 and connected matters from this Bench to another Bench.

The present application has been filed by the applicant seeking transfer of Writ Petition No.5303/2020 and all connected matters from this Bench to any other appropriate Bench of this Court, along with a further prayer that no matter pertaining to the applicant be listed before this Bench.

The foundation of the application rests on an allegation that in M.Cr.C.No.7970/2024, wherein the applicant herein was the respondent, submissions advanced by learned counsel on his behalf were not reflected in the order dated 16.04.2026, thereby allegedly giving rise to a *bona fide* apprehension of lack of impartiality. It is further alleged that the listing of the present writ petition immediately after the said order creates suspicion regarding the credibility of the Court.

This Court has carefully considered the submissions advanced and perused the record placed before it.

At the outset, it is necessary to observe that the justice delivery system proceeds on a foundational presumption of integrity, impartiality, and

independence of the judiciary. A mere subjective apprehension, howsoever strongly felt, cannot constitute a valid ground for transfer unless supported by cogent material demonstrating real likelihood of bias or denial of fair hearing.

In the present case, the apprehension expressed by the applicant is founded on conjectures arising from an alleged non-reflection of submissions in a judicial order. A judicial order speaks for itself. The manner of recording submissions or their reflection in the order cannot, in the absence of any material irregularity or established prejudice, be construed as indicative of bias.

The record further indicates that while dictating the order dated 16.04.2026 in M.Cr.C.No.7970/2024, this Court has made every endeavor to faithfully and precisely record the oral submissions advanced at the Bar, with due care and circumspection, ensuring that the essence and substance thereof are duly reflected in the order in a fair and accurate manner, without any distortion or omission of material content. The Court is not obligated to record each and every submission advanced by counsel, particularly those that bear no relevance to the issues in controversy. Judicial orders are required to reflect consideration of material facts, applicable law, and the substantive arguments that have a direct bearing on the adjudication of the dispute. Irrelevant, repetitive, or extraneous submissions do not merit detailed recording, as doing so would unnecessarily burden the judgment without aiding in the resolution of the matter. What is essential is that the order demonstrates due application of mind to the pertinent issues and the

core contentions raised by the parties.

Further, the allegation that mere listing of the present matter after the said order creates doubt regarding the credibility of the Court is wholly unfounded. Listing of matters is governed by established roster and administrative procedure, which operates independently of judicial decision-making. This Court is constrained to observe that the tenor of allegations made in the application, casting unwarranted aspersions on the functioning of the Court, is neither appropriate nor justified. Such averments tend to undermine the institutional sanctity of judicial proceedings without any substantiating material.

In its sustained endeavor to uphold the sanctity of justice, the Court has been diligently striving to reduce the long-standing pendency of cases that burden the judicial system. The petitioner's case, having remained pending for over six years, has now rightfully reached its turn for adjudication, and it is incumbent upon him to acknowledge this progression with due respect and restraint. Merely because the outcome has not aligned with his expectations, casting unwarranted aspersions upon the impartiality of the Court is neither justified nor conducive to the integrity of a healthy judicial system. Such allegations, devoid of substantive merit, risk eroding public confidence in the institution, which rests fundamentally upon trust, fairness, and the rule of law.

It is well settled that transfer of judicial proceedings cannot be sought as a matter of convenience, choice of forum, or on the basis of perceived inconvenience or subjective distrust. The apprehension must be reasonable,

substantial, and demonstrably founded on objective material, none of which is present in the instant case. The conduct of the applicant, viewed in its entirety, reflects an unfortunate tendency to attribute motives to judicial proceedings on the basis of subjective impressions rather than objective material. If at all any inadvertent error or omission is perceived in a judicial order, the law provides well-settled and limited remedies for its rectification or clarification; however, instead of invoking such remedies, the applicant has chosen to seek transfer of the other proceedings on wholly unsubstantiated and conjectural grounds. Such an approach not only bypasses established legal channels but also tends to undermine the discipline inherent in judicial process. The allegations appear to be influenced more by extraneous perceptions, seemingly shaped by a milieu where sensational assertions against judicial forums are sometimes used as a means of seeking attention, rather than by any demonstrable factual foundation. This Court is of the considered view that such tendencies, if left unchecked, have the potential to erode public confidence in the administration of justice and therefore deserve to be firmly discouraged.

In view of the foregoing, this Court finds no merit in the application. Accordingly, I.A. No. 8204/2026 stands dismissed. However, having regard to the nature of the allegations levelled in the present application and the prayer seeking withdrawal of the matter from the roster of this Court, this Court deems it appropriate that the issue be placed before the Hon'ble Chief Justice for consideration on the administrative side. The Registry is, therefore, directed to transmit a copy of this order along with the relevant

record to the office of the Hon'ble Chief Justice forthwith, for such appropriate orders as may be deemed fit in accordance with law and the applicable roster directions.

List thereafter.

(HIMANSHU JOSHI)
JUDGE

Jasleen