

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.697 OF 2014

MAHADEV MARUTI KAMBLE & ORS.)...APPLICANTS

V/s.

MARUTI BHAU MAHAJAN AND ANR.)...RESPONDENTS

Mr.Omkar Nagvekar i/b. Mr.M.K.Kocharekar, Advocate for the Applicant.

Mr.Anand S. Patil, Advocate for Respondent No.1.

Mr.Deepak Thakre, APP for the Respondent - State.

CORAM : ABHAY M. THIPSAY, J.

DATE : 2nd FEBRUARY, 2015.

P.C. :

1 Heard Mr.Omkar Nagvekar, the learned counsel for the applicants. Heard Mr.Anand Patil, the learned counsel for respondent no.1. I have gone through the report sent by the learned trial Judge.

2 The grievance of the applicants that there was rather inordinate delay in holding the trial has some justification, but it is now stated that the entire evidence has already been adduced, and that, even the examination of the accused persons under Section 313 of the Code of Criminal Procedure, is also over. The learned counsel for the applicants submits that, it is only after a report was called for, by this court, that the steps for completing the evidence and examining the accused persons were promptly taken.

3 While, this may be true, it does appear that the entire evidence in the case has been recorded by the same Judge. Since, now, the examination of the accused persons has also been done by him, it would not be proper to direct transfer of the case, only on the ground that there has been delay in disposal of the case, or that the court had not been proceeding with the case in a normal speed.

4 It is hoped that the trial court shall now dispose of the trial expeditiously.

5 The application is rejected.

 However, the trial court shall endeavour to dispose of the case by pronouncing a judgment, within a period of 2 months from today.

(ABHAY M. THIPSAY, J.)