

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application [APL] No.194 of 2015

(Govind Baburao Sidam

vs.

The State of Maharashtra, through P.S.O. Bhadrawati, District Chandrapur)

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Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

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Court's or Judge's Orders

Mr. Sachin Zoting, Advocate for the Applicant.

Ms. N.P. Mehta, A.P.P. for the Non-Applicant/State.

CORAM : PRASANNA B. VARALE, J.

DATE : MARCH 17, 2015.

Heard the learned Counsel for the applicant.

The only grievance raised in the application on the backdrop of the order passed by this Court dated 03/03/2015 is, the learned Additional Sessions Judge posted the application for orders on 30/03/2015 and this period be shortened is the request of the learned Counsel for the applicant. Some facts giving backdrop of this prayer are, the applicant had approached this Court with a prayer for protection in the nature of pre-arrest bail and considering that prayer, this Court initially granted interim protection to the applicant. On 3rd March, 2015, the applicant expressed his will to surrender before the authority or before the appropriate Court and to avail the remedy available under the law. The application also submitted that he would surrender on or before 17th of March, 2015 and prayed for

extension of the interim protection till his surrender i.e. till 17th of March, 2015. Accordingly, the application was disposed of permitting the applicant to surrender before the authority concerned or the appropriate Court on or before 17th of March, 2015 and extending the protection till 17th of march 2015. The applicant seems to have approached the learned Sessions Judge by preferring an application on 16th March, 2015. The learned Sessions Judge passed the order, which reads thus :

“Call say of I.O. and A.P.P.”

On 16/03/2015, the learned Sessions Judge referring to the order of this Court allowed the applicant to surrender and further observed that the applicant be taken in judicial custody till 30/03/2015. The learned Counsel for the applicant placed reliance on the judgment of this Court in the matter of Deepak Bajaj vs. State of Maharashtra, reported in 2007(2)Bom.C.R.(Cri.)677. The learned Counsel submits that this Court in the matter of Deepak Bajaj vs. State of Maharashtra directed the parties to appear before the Additional Chief Metropolitan Magistrate on a fixed date and also directed the respondents to file reply on the very day and time and also further directed the Additional Chief Metropolitan Magistrate to hear the application and dispose of the same.

The submission of the learned Counsel for the applicant was, this Court considering the liberty of the applicant,

issued these directions thereby curtailing the time span. The learned Counsel submits that the learned Sessions Judge has unnecessarily posted the matter at a later date.

The learned A.P.P. while opposing the application, submits that no error is committed by the learned Sessions Judge.

On the backdrop of the rival submission of both the learned Counsel appearing for the parties and in view of the judgment of this Court in the matter of Deepak Bajaj vs. State of Maharashtra, in my opinion, this application can conveniently be disposed of at the threshold by directing the learned Sessions Judge for curtailment of the period considering the liberty involved of the applicant and the protection granted to the applicant as well as the extension of the protection granted by this Court. Thus, the application is disposed of with the direction to the learned Sessions Judge to decide the application of the applicant, of which a copy is placed on record at Annexure-4, as early as possible and preferably on or before 24th March, 2015.

Authenticated copy of this order be supplied to the learned Counsel for the applicant to act upon.

JUDGE

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