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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.757 OF 2015

Anil Menon ..Petitioner.

V/s.

Union of India and Ors.

..Respondents.

Mr.Ayaz Khan i/b. Ms.Zehara Charania for the petitioner.

Mrs.U.V.Kejriwal for respondent No.1.

Mrs.M.M.Deshmykh, APP for respondent-State.

**CORAM : RANJIT MORE AND
V.L.ACHLIYA, JJ.**

DATED : 1ST FEBRUARY, 2016

P.C. :-

1. Heard learned counsel for the petitioner, learned counsel for respondent No.1 and learned APP for the State.
2. This application is filed through jail for seeking directions to conduct the trial of NDPS Case No.152/2009 on day to day basis.
3. Mr.Khan, learned counsel appearing for the petitioner submits that examination of PW1 started in July, 2011 and as on today, his examination is going on. He invites

our attention to the provisions of section 309 of the Criminal Procedure Code in this regard.

4. By order dated 5th December, 2015, learned Single Judge of this Court before whom the above petition was placed called for the report of the learned Judge seized of the said matter. Accordingly, report dated 11th December, 2015 is sent by the learned Sessions Judge, under NDPS Act, Greater Mumbai.

5. The Court seized of the NDPS Case No.152/2009 is having 11 matters expedited by High Court and Supreme Court. The report further shows that in one case there is direction from the High Court to record evidence on daily basis. The report further reveals that there are 56 accused in custody in different matters and the Court is required to give preference to the matters in which accused are in custody.

6. Mr.Khan submits that there are total three NDPS Courts and one Court is taking Bomb blast cases and NDPS matters and there is no even distribution of the High Court and Supreme Court expedited matters.

7. We are aware about the pendency of the cases and the pressure under which judicial officers are working. However, in the light of the submissions hereinabove and since the examination-in-chief in the subject case has started as long back as in July, 2011 and still it is incomplete, we request the learned Judge to expedit the trial of NDPS Case No.152/2009. The Principal Judge of the City Civil Court, Mumbai shall look into the matter and take appropriate decision regarding even distribution of the matters which are expedited by the High Court and the Supreme Court.

8. Subject to above, the petition is disposed of.

A copy of the order be sent to the Principal Judge of the concerned Court.

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)