

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2041 OF 2016

Navnath Nivrutti Chandane. ... Petitioner.
Versus
The State of Maharashtra. ... Respondent.

Mr. P.G. Sarda, advocate for Petitioner.

Ms. A.A. Mane, APP for State.

CORAM : SMT.SADHANA S. JADHAV,J
DATE : JULY 1, 2016

P.C.:

1 Heard the learned Counsel for the Petitioner and the learned
APP for State. Perused the papers.

2 Rule. Rule made returnable forthwith with the consent of the
parties.

3 The petitioner herein is an accused in Sessions Case No. 59 of
2014. In all there are 13 accused persons. Two accused have expired

during the pendency of the trial. The Petitioner herein had filed Writ Petition No. 4445/2013 seeking expeditious trial. It was demonstrated before the Court that the charge-sheet was filed in the year 2007. However, the case was committed to the Court of Sessions only in 2011. This Court had observed that the Sessions Case pertaining to the year 2011 should have atleast reached to the stage of charge and therefore, this Court had directed the learned Sessions Judge to dispose of the same within a period of 6 months from the date of receipt of the order.

4 The learned APP submits that in fact, the charge could not be framed expeditiously since the accused persons were filing discharge applications one after another. It is settled position that charge cannot be framed unless discharge applications are decided by the court. In fact, it is in this circumstances that the trial was protracted.

5 The learned Counsel for the Petitioner submits that the prosecution has examined one witness on 22/1/2016. However, the trial has not proceeded further. It is in this circumstance that the Petitioner was constrained to file this Writ Petition seeking expeditious hearing.

6 The petition deserves to be allowed with a direction to the learned Sessions Court to conclude recording of evidence within 6 months from the date of receipt of this order. In the eventuality that there is an application on behalf of the accused seeking exemption or any attempt is made to protract the trial, the learned Sessions Judge shall issue non-bailable warrant against the accused and ensure his presence at the time of recording of evidence. The learned Sessions Judge shall not entertain any intermediary application made on behalf of the accused.

7 The Petition is allowed. The Rule is made absolute in the above terms. The Writ Petition is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)