

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.802 OF 2015

Sanjay Ramesh Kharat	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Pankaj Purve, Adv. for the applicant.
Mr. D.P. Adsul, APP for the State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 7th January, 2016.

P.C. :

1. This is an application received through jail for expeditious disposal of Sessions Case No.227 of 2014 pending on the file of 41st Sessions Court, Mumbai for the offences punishable under Section 302 read with 34 of the IPC.

2. Mr. Purve, the learned counsel for the applicant submitted that the applicant is in custody since 2013. The case had been adjourned time and again as the investigating agency had failed to produce the applicant / accused before the Court. Relying upon the decision of the Apex Court in the case of *Ajay Kumar Choudhary V. Union of India*, AIR 2015 Supreme Court 2389, the learned counsel for the applicant submits that the right to speedy trial is an essential

part of the fundamental right to life and liberty under the constitution. He therefore submits that necessary directions may be given to dispose of the case as expeditiously as possible.

3. Mr. Adsul, the learned APP for the State has submitted that the trial of the case has already commenced and that the 9 witnesses are to be examined. He further submitted that the trial had to be adjourned on several hearing as advocate represented the applicant / accused had failed to appear before the Court. He further submitted that the case is not delayed by the prosecution and that the accused as well as his counsel are responsible for delaying the trial.

4. I have perused the records and considered the submissions advanced by the learned counsel for the applicant and learned APP for the State. The records prima facie reveal that the applicant was arrested on 27th November, 2013 in Crime No.451 of 2013 registered with Park Site Police Station for offences punishable under Section 302 read with 34 of the IPC. Needless to state that the speedy trial is fundamental right of the accused. The applicant is in jail since 2013. Considering the fact that the trial has already commenced, in my considered view, it would be just and proper to direct the Sessions

Court to dispose of the said case as expeditiously as possible. It is stated that only 9 witnesses have remained to examine. Hence, the learned Sessions Judge is directed to dispose of the case within a period of 6 months from the date of the order. The applicant / accused and his counsel shall cooperate and shall not delay the trial.

5. In view of the above the application stands disposed of.
6. The fees of the appointed advocate are fixed at Rs.1,000/-.

(ANUJA PRABHUDESSAI, J.)