

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

CRIMINAL WRIT PETITION NO.440 OF 2016

Ghanshyam s/o Jeevanlal Kharpuria

-vs-

The State of Maharashtra, Thr. Ministry of Home Affairs, Mumbai and ors.

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

Court's or Judge's Orders.

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Shri S. G. Karmarkar, Advocate for petitioner.  
Shri V. A. Thakare, APP for respondent/State.  
Shri Chitalay, Advocate for respondent Nos.5 and 6.  
Shri Mardikar, Advocate for respondent No.8.  
Shri N. S. Warulkar, Advocate for respondent No.10.

**CORAM : B.P.DHARMADHIKARI &  
A.S.CHANDURKAR, JJ.**

**DATE : AUGUST 18, 2016**

Heard Shri S. G. Karmarkar, learned counsel for petitioner, learned APP for respondent Nos.1 to 3 Shri Chitale, learned counsel for respondent Nos.5 and 6, Shri Mardikar, learned counsel for respondent No.8 and Shri N. S. Warulkar, learned counsel for respondent No.10. Nobody for other respondents.

We do not wish to go into controversy of the matter. If any application for exemption is moved before the trial Court by the Advocate for the concerned accused, it could not have been considered as an application for adjournment.

We find substance in grievance of learned counsel Shri Karmarkar that as there are several accused, if one by one accused is moving application for exemption, they are trying to prolong the trial. However, it is open to the trial Court to meet such situation in accordance with law. Therefore observing that application for exemption cannot be treated as an application for adjournment and the trial Court has to record evidence in presence of Advocate for such accused, we dispose of the present writ petition.

It is open to the petitioners to move the trial Court for expeditious disposal of criminal case.

**JUDGE**

**JUDGE**

-: C E R T I F I C A T E :-

“ I certify that this Judgment/order uploaded is a true and correct copy of the original signed Judgment/order.”

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Asmita A. Bhandakkar  
Personal Assistant

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