

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL) NO. 418/2015

(Shri Devendra Kumar s/o late Roshanlal Chandok vs. Central bureau of Investigation)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

Ms. J.P. Junghare, h/for Mr. M.Anil Kumar Advocate for applicant
Mr. Shyam Ahirkar, Counsel for respondent -CBI

CORAM: A.B.CHAUDHARI, J.

DATED : 4th February, 2016.

Heard.

Ms. J.P. Junghare, Adv. prays for adjournment on the ground that her senior Mr. M. Anil Kumar, learned counsel for the applicant, is out of station.

I have gone through the impugned dated 11.5.2015 passed by the Special Judge (Special Court), Chandrapur and find that the trial is being unnecessarily held up because of the pendency of the present Application from June 2015, before the CBI court. As a matter of fact, the applicant need not have challenged the impugned order since this could be a good ground in an Appeal, should there be an occasion. Be that as it may, the trial judge only allowed the CBI to bring the witness who was in the know of the trap that was conducted and CBI wanted to lead its evidence because the Investigating Officer Mr. Nimje had died. The trial Judge allowed the said request all the more so because the witness had come from Mumbai.

In my opinion, the order made by the learned trial Judge cannot be interfered with, since the CIB was justified in examining the witness, in view of the death of the Investigating Officer.

In the result. I make the following order:

ORDER

- a) Criminal Application (APL) No. 418/2015 is rejected.
- b) The impugned order dated 11.5.2015 passed by the Special Judge, Chandrapur is hereby confirmed.
- c) The trial Judge is to set a date for examination of further witnesses and complete the trial within a period of four months.

JUDGE

sahare