

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

4 CRIMINAL APPLICATION NO. 1016 OF 2017

BALAJI @ BALYA BISRAM PAWAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. M.A. Kulkarni
APP for Respondent/State : Mr. R.V. Dasalkar
...

CORAM : T.V. NALAWADE, J.
DATED : April 13, 2017.

ORDER :

1. The application is filed for bail. Chargesheet is filed against the present applicant under section 395 of Indian Penal Code (IPC) and under the provisions of the Maharashtra Control of Organised Crimes Act, 1999 (MCOC Act).

2. The submissions made show that two cases are filed against the present applicant under the provisions of MCOC Act. As the applicant has been behind bars for more than one and half year, report of the present Presiding Officer is called in respect of the progress of the matter and the reasons for delay. The report was called from the learned Sessions Judge also to ascertain as to whether sufficient time is made available to the Judges of the Special Court for giving priority to the cases filed under MCOC Act. As there are two cases filed against the present

applicant under the provisions of MCOC Act and as there is bar of section 21 of the said Act, relief of bail cannot be granted, but direction needs to be given to both the learned Judge of the Trial Court and the learned Sessions Judge to see that the case is expedited.

3. The report submitted by the learned Judge of Trial Court shows that he has contended that as in his Court 1289 cases are pending, which include 444 criminal cases, 74 Sessions Cases, 97 criminal appeals and 845 civil cases, he is required to give priority to other cases also. Under the provisions of MCOC Act 15 cases are pending. This Court had already made it clear many times that when the Special Courts are created, the learned Sessions Judge is expected to see that the Special Judge gets sufficient time for special cases. The Sessions Judge cannot get absolved from the liability by saying that the Judges have not requested him to withdraw the other cases. It is up to the Sessions Judge to see that the Judge gets sufficient time and not many other matters are given to them. Such steps need to be taken by the learned Sessions Judge immediately. This Court has noticed that in almost all the cases, in the present matter in 15 cases filed under MCOC Act, the accused are behind bars for the period of more than one and half years and in many cases

the accused are behind bars for the period of more than three years. In view of these circumstances, special attention needs to be paid by the learned Sessions Judge and the learned Judge of the Trial Court to see that more time is given for the cases filed under MCOC Act and these cases are expedited.

4. The present case needs to be expedited and needs to be decided in any case within six months from today.

5. Registrar Judicial is to sent authenticated copy of this order to the learned Judge of the Trial Court and the learned Sessions Judge.

7. The application is disposed of as rejected.

[T.V. NALAWADE, J.]

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