

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

917 CRIMINAL APPLICATION NO. 939 OF 2017
WITH APPLN/1073/2017

MACHHINDRA S/O PARSING VALAVI
VERSUS
STATE OF MAHARASHTRA AND ANR

...
Advocate for Applicant : Mr. Kadarale Nitin S.
APP for Respondent/State : Mr. M.M. Nerlikar
Advocate for assisting to APP in CA No. 1073/17 : Mr. Girish
Nagori
...

CORAM : T.V. NALAWADE, J.
DATED : April 21, 2017.

ORDER :

1. The order made by this Court on 10.1.2017 in Criminal Application No. 6736/2016 shows that liberty was given to the accused persons to come to this Court after the period of six months, if the charge is not framed. In view of this circumstance, report of Presiding Officer is called and the report shows that charge came to be framed on 2.1.2017. Thus, the charge was already framed when the order was made by this Court. In view of this circumstance, it can be said that no liberty was there to the applicants to file the present applications and there has been no change in circumstances. However, as the applicants are behind bars since July 2016, the case needs to be expeditiously disposed of.

2. The report of the Presiding Officer shows that even the counsel was not appointed by the accused persons and due to that, charge could not be framed immediately. When the counsel was appointed, the charge was framed and witness summons were issued and on 20.1.2017, witnesses were present in the Court. The counsel of the accused remained absent. The learned Judge of the Sessions Court specifically reported that the accused persons are intentionally not co-operating the Court and they are not proceeding with the trial and they are not keeping their counsel present for cross examination of the witnesses. In view of these circumstances, no relief can be given to the accused persons. However, the Court also cannot ignore such conduct. When the accused are not cooperating or their counsel is remaining absent, it is always open to the Court to appoint some other counsel through legal aid as amicus curie and go on with the trial. The Trial Court is expected to do that. The Trial court is to expedite the case and in any case, within six months from the date of this order. Both the applications stand rejected.

3. Authenticated copy is allowed to both the sides.

[T.V. NALAWADE, J.]

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