

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 381 OF 2016

Raghuveer Jayprakash Singh. ... Petitioner.
Versus
The State of Maharashtra. ... Respondent.

Mr. R.K. Paswal i/b. Jagdish Nagar & Associates, advocate for petitioner.

Ms. Neeta Jain, APP for State.

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : APRIL 12, 2017**

P.C.:

1 Heard the learned Counsel for the Petitioner and the learned APP for State.

2 Rule. Rule made returnable forthwith with the consent of the parties.

3 The Petitioner herein is facing prosecution for an offence punishable under section 302, 397 and 201 of the Indian Penal Code in Sessions Case No. 241 of 2014. The Petitioner herein had prayed for grant of bail. This Court (Coram :Revati Mohite Dere, J) vide order dated 8th May, 2015 has granted bail in favour of the petitioner. The petitioner herein had filed an application below Exh. 15 in Sessions Case No. 241 of 2014 for supply of the translated copies of the documents i.e. compilation of charge-sheet in English to enable him to defend his case properly. The learned Sessions Court by an order dated 14/10/2015 had rejected the said application. The learned Sessions Judge has rightly observed that the applicant herein has sufficient time even after the charge-sheet was filed. That the Petitioner was detained under MPID Act under Article 22(5) of the Constitution and documents were given to him in Marathi.

4 At the time of filing of the bail application, the offence levelled against him, remand yadi, etc. were also in Marathi. At that time,

no grievance was made before this Court, that the applicant could not understand Marathi language. The applicant is facing serious charges and it prima facie appears that only because he is granted bail, the applicant is making efforts to protract the trial.

5 The learned Counsel for the applicant submits that he is not conversant with Marathi language and therefore, it is incumbent upon the prosecution to supply translated copies.

6 Chapter 21 of the Criminal Manual contemplates as follows :

“Parties to any proceedings may, on application with the prescribed Court-fee made to the Court having the custody of the record, obtain certified copies of any judgment, order, deposition, memorandum of evidence, or any other document filed in the said proceeding. The application may be made by the party himself or by his recognised agent or by his Pleader or Advocate and may also be sent by post.”

Chapter XXI, Section 19 reads as follows :

19. Translations should be prepared by an Officer of the Court qualified for the purpose, or by a translator appointed by the Presiding Officer of the Court.

Section 20 of Chapter XXI reads as under -

20. (1) The fees payable for translation of any document from one language into another or the information of the accused or the Court in criminal cases, shall be 75p. (with no surcharge) for every 100 words or a fraction thereof, but the Court may modify the rate for sufficient reasons.

(2) If such translations are made by a person who is not a member of the establishment of the Court or by a member of the establishment of this Court, outside office hours, the fees payable in respect of such translations shall be paid to him. No fees shall be payable to a member of the establishment of the Court if such translations are made by him during office hours but the fees recovered (if any) in respect of such translations shall be credited to Government.

7 It is therefore, clear that the Petitioner who happens to be an accused can obtain the translated copy of the charge-sheet on payment of necessary court fee and it cannot be said that it is

incumbent upon the prosecution to give translated copy of the charge-sheet.

8 The learned Sessions Court has rightly held that the official language in Maharashtra is Marathi and that the Hon'ble High Court has issued directions from time to time to permit Marathi language to encourage use of Marathi language. The learned Sessions Court has rightly observed that as contemplated under section 272, the State of Maharashtra has determined that the official language of each court would be Marathi. Hence, the submission made by the learned Counsel for the Petitioner are unwarranted and unfounded. The order passed by the learned Sessions Judge calls for no interference. It appears that since the accused is enlarged on bail, he is leaving no stone unturned to protract the trial. The learned Sessions Judge may take note of this and proceed with the trial at the earliest. Hence, Writ Petition is dismissed. Rule is discharged.

(SMT. SADHANA S. JADHAV,J)