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

CRIMINAL APPEAL NO. 475 OF 2015

Md. Irfan Mohd. Gaus

Aged - 27 years

R/o - Khudbai Chaurasta,

Ikbalnagar, Nanded taluka,

Dist - Nanded,

Presently lodged at Taloja Jail

...Appellant/Accused

Versus

1. National Investigating Agency
7th Floor, Cumballa Hill,
MTNL Telephone Exchange Building,
Peddar Road,
Mumbai - 400 026.

2. State of Maharashtra
(At the instance of ATS, Mumbai) ...Respondents

Mr. Shaikh Mohammed Sharif, for the Appellant

Mr. Prakash Shetty, Special P.P. a/w Mr. A.P. Sukhadeve, P.P., for the
Respondent No. 1-NIA.

Mr. S.K. Shinde, P.P. a/w Ms. G.P. Mulekar, APP for the Respondent-
State.

**CORAM : SMT.V.K.TAHILRAMANI &
REVATI MOHITE DERE, JJ.**

DATE : 2nd MARCH, 2017

ORDER (Per Revati Mohite Dere, J.) :

1. Heard learned counsel for the parties.
2. After arguing for some time, learned counsel for the appellant does not press this appeal, as the trial of the appellant is being expedited and is being made time bound.
3. Learned Special Public Prosecutor submitted that the trial has commenced and that six witnesses have been examined till date and that 40 more witnesses are to be examined. He submits that the Special Judge before whom the trial was proceeding has retired and that the case has not been assigned to any other Judge.
4. The appellant has been in custody for more than 4 ½ years. The trial has commenced and six witnesses have been examined till date. It also appears that the learned Judge before whom the trial was pending has retired and that the case being Sessions Case No.1010 of 2013 has not been assigned to any other Court.

5. Considering the fact, that the trial has already commenced, inasmuch as, six witnesses have been examined, however, the case has not proceeded thereafter and now the learned Judge before whom the case was pending has also retired, we are of the opinion that it would be appropriate to direct the learned Principal Judge, City Civil and Sessions Court, Greater Bombay to forthwith assign Sessions Case No.1010 of 2013 to any other Court. The learned Judge to whom the case is assigned is requested to dispose of the case, as expeditiously as possible and in any event within eight months from the date of receipt of this order.

6. The learned Special Public Prosecutor shall ensure that all the witnesses are present on the dates given by the Court. The concerned police/jail authorities shall also take steps to ensure that the accused in the said case are produced before the learned Judge, so that trial can proceed without any impediment. All parties shall co-operate with the learned Judge in the expeditious disposal of the case, being Sessions Case No.1010 of 2013.

7. In case, for no fault of the Appellant, the trial does not conclude within the stipulated period, the Appellant shall be at liberty to file a fresh appeal in this Court, seeking his enlargement on bail.

8. The appeal is disposed of in above terms.

9. Registry to communicate this order forthwith by fax to the learned Principal Judge, City Civil and Sessions Court, Greater Bombay, to enable him to take necessary steps.

(REVATI MOHITE DERE, J.)

(V.K.TAHILRAMANI, J.)