

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1871 OF 2016

Ram Alias Gudda Chichiriya Alias
Chandwani

...

Applicant

Vs.

The State of Maharashtra

...

Respondent

Mr. Ganesh K. Gole, Advocate for the applicant.

Ms. J.S. Lohokare, APP, for the State.

CORAM: SMT. SADHANA S. JADHAV, J.
DATE : 7th February, 2017.

P.C.

Heard the learned counsel for the applicant.

2. By an order dated 22.9.2014, this Court had requested the learned Sessions Judge to make an endeavour to conclude the recording of evidence, as far as possible, within nine months from the date of framing of charge. It appears from the Roznama that charge has been framed on 26.5.2015.

3. The learned counsel for the applicant vehemently submits that despite the charge being framed in May 2015, as on today, the learned Sessions Judge has recorded substantive evidence of only four witnesses. The learned counsel also fairly submits that in fact, the prosecution had

appointed a Special Prosecutor in the present case who has retired after framing of charge and the prosecution had consumed almost 8 months to appoint another prosecutor. It is also submitted that the Special Prosecutor is not co-operating with the Court to proceed with the trial and hence the same is causing delay in recording of evidence. In the midst of the trial, it would not be appropriate to consider the application under section 439 of Cr.P.C. and, therefore, the application is being dismissed on that ground.

4. However, the learned Sessions Court is hereby directed that the Court shall not grant any unwarranted adjournments to the prosecution only for the convenience of the Special Prosecutor. It is a matter of record that the applicant is in custody since 2012. It is in these circumstances that the learned Sessions Judge shall make an endeavour to conclude the trial, as far as possible, within six months from the date of receipt of this order. The learned Sessions Judge shall also ensure that the accused is produced before the Court on each and every date and the trial is not protracted on that ground. It is once again reiterated that the Special Prosecutor shall not seek any further adjournments.

5. Application stands disposed of. It is made clear that the application has not been heard on merits.

6. Office to send a copy of this order to the Director of

Prosecution and see that the Special Prosecutor is appointed in Sessions Case No.70 of 2013 pending before the Addl. Sessions Judge, Kalyan, proceed with the trial and facilitate the Court to record the evidence as early as possible and expedite the trial.

(SMT. SADHANA S.JADHAV, J.)