

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**NAGPUR BENCH : NAGPUR****Criminal Writ Petition No. 303/2017**

Dyaneshwar S/o Ramkrushna Sarap and ors v. State of Maharashtra, through P.S.O Yeoda
Dist Amravati and anr

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri C.A. Joshi, Advocate for petitioners
Shri S.S. Doifode, A.P.P for the respondent no. 1
Shri D.Ansari, Advocate for respondent no. 2

**CORAM : P.B.Varale and
M.G.Giratkar, JJ.**

DATE : 01.8.2017.

Heard Mr. Joshi learned counsel for the
petitioners.

The grievance of the petitioners is delay in the
Sessions trial no. 16/2008. It is the submission of
Mr. Joshi that the petitioners are facing trial before the
learned Session Judge, Achalpur, Dist. Amravati for the
offences punishable under section 498-A, 306 read with
section 34 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioners that the petitioners are in their advanced age,
more particularly, petitioner no. 2 who is 78 years of age
and the petitioner no. 4 who is 72 years of age. It is
submitted by the learned counsel that on one or the

other ground the trial is delayed, as such it causes serious prejudice to the petitioners. Notice was issued by this Court on 4th May, 2017.

Learned Additional Public Prosecutor Mr. Doifode invited our attention to the communication forwarded by the office of public prosecutor informing that the complainant though was summoned to Court on 10/07/2017, it was informed to the learned trial Court that due to ill health, he was unable to attend the Court. Accordingly, the next day of the trial is scheduled on 22/08/2017.

Mr. Joshi, the learned Counsel for the petitioners submits that the complainant was examined on 11/09/2014 and thereafter he did not turn up.

Learned counsel Mr. Ansari appearing for the respondent no. 2 (i.e. the complainant) submitted that it was not the intention of the respondent no. 2 to delay the trial but because of his ill-health, he was unable to attend the Court. Mr. Ansari learned counsel makes statement before this Court that the complainant would co-operate with the learned trial Court in expeditious disposal of the trial. He, further submits that if there is

some reason prohibiting the complainant to attend the court and if the reason is out of his control such as ill-health, only in such event, request would be made to learned trial Court for seeking some time otherwise the complainant would extend all the possible co-operation for the early disposal of the trial.

Accepting the statement, in our opinion, the grievance of the petitioners is redressed.

Nothing remains in the petition for passing further orders.

Petition is disposed of accordingly.

JUDGE

JUDGE