

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (BA) NO.726 OF 2017

Mangilal Champalal Sharma

..VS..

State of Maharashtra, through Police Station Officer, Police Station
Boargaonmanju, Taluka Boargaonmanju & District Akola

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

Court's or Judge's Order

Shri A.R. Deshpande, Counsel for the applicant.
Shri J.Y. Gurdey, Addl.l.l. for the State.

CORAM : V.M. DESHPANDE, J.
DATED : AUGUST 7, 2017.

Heard learned counsel Shri A.R. Deshpande for the
applicant.

The applicant is facing charge for the offences
punishable under Sections 376, 313, 504, 506, 507, 417, and 294
read with Section 34 of the Indian Penal Code, 1860 and under
Section 3(1)(x)(xii) and 3(2)(5) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The applicant was released on bail by the Sessions
Court on certain conditions. The Sessions Court noticed that
learned Magistrate has committed the case to the Court of
Sessions in the year 2009. However, till today the charge could

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not be framed because of absence on the part of the present applicant on numerous occasions. Therefore, learned Sessions Judge was required to issue Nonailable Warrant against the present applicant and under the said Nonailable Warrant, the present applicant was produced before the Sessions Court.

It was submitted before the Sessions Court, on behalf of the applicant, that due to his ill-health, he could not remain present before the Court. Except his bare words, no document showing illness or any other material was produced by the applicant and in my view the said aspect was rightly considered by learned Sessions Court at Akola. Learned Sessions Judge at Akola rejected the application since it was observed by learned Sessions Judge that if the bail is granted, there are chances of repetition of the conduct on the part of the present applicant in not remaining present in the Court and which will cause delay in conducting the Trial. The offence is of year 2002 and till today, due to non-cooperation on the part of the present applicant, charge could not be framed.

In that view of the matter, I see no reason to disturb the discretion exercised by learned Judge of the Court below in not releasing the applicant on bail.

Hence, the criminal application is rejected. However, it is expected that learned Sessions Judge to frame the

charge immediately and dispose of the Sessions Trial within a period of ten months from the receipt of the order of this Court.

With this, the criminal application is dismissed.

JUDGE

!! BRW !!

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