

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

CRIMINAL APPLICATION (APL) NO.882 OF 2016

Shrawan S/o Sadashiv Bahe and ors

..VS..

The State of Maharashtra, through Police Station Officer, Police Station
Andhalgaon, District Bhandara

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

Court's or Judge's Order

Shri S.V. Sirpurkar, counsel for the applicant.
Shri V.P. Gangane, Addl.P.P. for the non-applicant.

CORAM : P.N. DESHMUKH, J.
DATED : JANUARY 10, 2017.

Heard learned counsel for applicant and
learned Additional Public Prosecutor for the non-
applicant.

By this application, short prayer made is
that, proceedings in Sessions Trial No.51 of 2015,
pending on the file of learned Adhoc, Additional
Sessions Judge-1, Bhandara, be adjourned for a period
of one month from today on the ground of ill-health of
learned counsel for the applicants. Learned counsel has
contended that the applicants are facing offence
punishable under Section 302 of the Indian Penal Code
and the matter was posted for recording evidence on
22.12.2016. In the mean time, as their counsel Shri

.....2/-

E.W. Nawab was unwell, application was filed to adjourn the said trial to any other suitable date on 5th, 6, or 7.1.2017. However, by impugned order, the said request was rejected. Learned counsel had made a statement that as per instructions to him, today Advocate Nawab had undergone Angioplasty at Nagpur and tendered on record certificate issued by Bisne Heart Hospita, Nagpur

The impugned order reveals that the same came to be passed as there was some objection with reference to pendency of the said case from during the inspection of the District Court with a direction to dispose of the same expeditiously.

In that view of the matter, though learned Trial Court does not appear to be wrong in not allowing the application, it is noted that having considered the personal ground of counsel appearing for the applicants, it was expected to consider the same in the larger interest of the applicants.

In the circumstances, the application is liable to be allowed as per the order below:

ORDER

1. The application is allowed.

2. Impugned order dated 15.12.2016 below Exh.58 is set aside.

3. Further proceeding in Sessions Trial No.51 of 2015 be commenced on 15.2.2017.

4. Needless to say that, the applicants to take utmost care to see that they are properly represented through their counsel on that day.

5. In the event for some reasons their counsel on record is unable to attend on that day, arrangement be made.

JUDGE

!! BRW !!

C E R T I F I C A T E

I certify that this Order/Judgment uploaded is a true and correct copy of original signed Order.

Uploaded by : Bhushan R.Wankhede.
(Personal Assistant)

Uploaded on :- 11/1/2017

...../-