

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

CRIMINAL WRIT PETITION NO. 1189 OF 2018

Ramchandra Ganapati Tambekar ... Petitioner
Vs.
The State of Maharashtra and Ors. ... Respondents
...
Mr. Santosh S. Musale for the Petitioner.
Mr. A.R.Patil, APP for the Respondent-State.
...

**CORAM : PRAKASH D. NAIK, J.
DATE : 13th JULY, 2018.**

P.C.

1. The petitioner is the first informant/victim in relation to FIR bearing CR No. 53/2014 registered against the respondents No.2 to 4 for offences punishable under Section 307, 326, 323, 504, 506, read with Section 34 of Indian Penal Code and on completing the investigation the chargesheet has been filed and the case is presently pending before the Court of Sessions Kolhapur.
2. The grievance of the petitioner is that the trial has not proceeded although the charge was framed on 6th September, 2016. It is submitted that the accused are deliberately delaying the trial.
3. Apparently, although the charge was framed on 6th

September, 2016, the trial has not proceeded. It is submitted by the counsel for the applicant that during the pendency of the trial, the accused had assaulted panchas and the police constable and in relation to the said incident first information report has been registered with Sahapur Police Station on 23rd January, 2018. It is also submitted that the applicant had preferred an application for cancellation of bail before the said Court which is also pending since 8th March, 2017. It is submitted that the said application was preferred on the ground that accused are tempering with the witnesses.

4. Learned APP on instructions of the officer who is present in the Court submitted that the witnesses are not examined after the charge was framed on 6th September, 2016. It is further submitted that prosecution intends to examine about 13 witnesses. It is also submitted that the accused are protracting the proceeding before the trial Court. There is no progress in the trial. The accused persons are on bail.

5. Taking into consideration the circumstances as pointed out by the advocate for the petitioner, the trial Court can be directed to proceed with the trial as expeditiously as possible. Hence, I pass the following order.

ORDER

(i) Learned Adhoc-3 and Sessions Judge, Kolhapur is directed to proceed with the trial in Session Case No.116 of 2015 as expeditiously and the trial Court shall conclude the trial within nine months from the date of receipt of the order.

(ii) Writ Petition stands disposed off.

(PRAKASH D. NAIK, J.)

Sachidanand
Kuttan Nair

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2018.07.18
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