

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

**WRIT PETITION NO. 2583 OF 2018**

Kailashnath Sitaram Jaiswar

..Petitioner

v/s.

The State of Maharashtra

..Respondent

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Mr. A.R. Patil, APP for the State.  
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**CORAM : A.S. Gadkari, J.  
DATED : 18<sup>th</sup> September 2018.**

**P.C.**

1. By the present Petition, the Petitioner has prayed for expeditious hearing of his case bearing Sessions Case No. 2388 of 2016 arising out of C.R. No. 77 of 2016 registered with Amboli Police Station, Mumbai under Sections 376, 323, 342, 56(2) of the IPC on the file of Learned 13<sup>th</sup> Sessions Court at Dindoshi, Mumbai wherein he is an accused.

2. As noted earlier, the petitioner is being prosecuted for the offences punishable under the provisions of the Indian Penal Code. The record indicates that, the petitioner has been released on pre-arrest bail by the Sessions Court. It is a matter on record that, the Sessions Courts in Mumbai are overburden with the pendency of Session's trials and the trials are being conducted chronologically

and preference is being given to the trials wherein the accused persons are in jail. The petitioner herein is on bail and therefore he cannot claim precedence over the cases of under-trial prisoners.

3. In view of the above, preference to the case of the petitioner cannot be given.

4. Petition is misconceived and is accordingly dismissed in limine.

**(A.S. Gadkari, J.)**