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

WRIT PETITION NO.2836 OF 2017

The State of Maharashtra

..Petitioner

Vs

Santosh Gulabrao Pol

..Respondent

Mr. S.S. Hulke, APP for State/ Petitioner.

Mr. Rushikesh Kale I/b V.V. Purwant for respondent.

CORAM : A.S.GADKARI, J.

DATE : 7th September 2018

P.C.:

1] By the present petition under Article 227 of the Constitution of India, the State has challenged the Order dated 15.5.2017 passed by the learned Additional Sessions Judge, Satara in Sessions Case No.161 of 2016 thereby rejecting the application below Exhibit 13 for clubbing together six Sessions Cases.

2] Heard the learned APP for the State at length and the learned counsel for the respondent. Perused the record.

3] The respondent is an accused in Sessions Cases Nos.161/2016, 162/2016, 163/2016, 6/2017, 7/2017 and 8/2017. It is the prosecution case that, one of the co-accused namely Ms. Jyoti Mandhare has turned approver in Sessions Case Nos.161/2016, 162/2016 and 163/2016 and therefore all the cases may be clubbed together for hearing before any Additional Sessions Judge.

4] It is to be noted here that, the said crimes are separate offences committed by the accused person during the period from 25.2.2003 to 16.6.2016. It is to be noted here that, each and every offence is a separate and distinct offence except the fact that the said co-accused Ms. Jyoti Mandhare was the conspirator with the principal accused Santosh Pol (respondent) in the said crime.

5] The record indicates that, there is substantial gap in commission of offence which has been taken into consideration by the Trial Court while rejecting the said application. There is no proximity of time and it cannot be said that the said offences are committed in series of transaction or with same set of victims during the period of one year. All the said six cases are totally different from each other and therefore it would not be proper and just to try all those cases jointly by clubbing them together.

6] The Trial Court has rightly rejected the application below Exhibit 13 and I find no error either in law or on facts in the impugned Order dated 15.5.2017.

Petition is accordingly dismissed.

Anil
Chandrakant
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(A.S.GADKARI, J.)