

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1917 OF 2017

Sonu Kapursingh Tak ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Niranjan P. Bhavake, Advocate for the applicant.
Mr. R.M.Pethe, APP for the respondent/State.
Mr. G.R. Parchake, A.P.I., Nerul Police Station present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **13th April, 2018.**

P.C.:

Learned APP has submitted that many Public Interest Litigations on the issue of production of the accused persons in the Court are filed in the High Court and this Court from time to time has issued various orders securing special escorts for the production of accused in the Court to face the trial.

2. I refer to some of the orders passed by this Court :

- (i) Judgment of the Single Judge of this Court in the case of **Bakul N. Shah vs. The State of Maharashtra** dated 15th September, 1994, reported in **1995 (2) Bom.C.R. 557.**
- (ii) Judgment of Division Bench of this Court in the case of **Shailesh Gandhi vs. The State of Maharashtra** in

Criminal PIL No. 2 of 2007 dated 9th April, 2010.

- (iii) Judgment of Division Bench of this Court in the case of **Shaikh Abdul Naeem s/o. Abdul Kareem & Ors. vs. The State of Maharashtra in PIL No. 8 of 2011 dated 12th April, 2017.**

3. It appears that still the problem of production of accused before the Criminal Courts in Maharashtra has remained unsolved for the Judges presiding over the criminal courts. Late production or non-production is denial of the fair and speedy trial to the accused. Due to delay, the complainant or the victim also suffers. Non-production of accused or under-trial prisoners in the Criminal Courts gives complete set back to the effective and efficient working of the criminal courts. It is to be noted that a provision of special escort is made by the State, however, those policemen are routinely diverted and deployed for some other work than the escort. It is necessary to pass specific order that such escort is not to be removed or to be deployed for some other work than the production of accused before the Criminal Court except in the special circumstances after obtaining the order of Commissioner of Police or Superintendent of Police.

4. I, therefore, refer this matter to the Registrar (Judicial) with direction that this is to be placed before the Division Bench of this Court who is dealing with Public Interest Litigation No. 8 of 2011 where same issue is considered by the Division Bench in writ jurisdiction.

5. In the present case, I am informed that the accused is now shifted to Thane prison and he has been produced before the learned Sessions Judge and the charges are framed. Under such circumstances, I only direct that this accused and other accused, if any, in this Sessions Case No. 53 of 2017 are to be produced on all the dates before the learned Sessions Judge and the learned Sessions Judge to proceed with the matter and decide it preferably on or before 31st December, 2018.

6. This second Bail Application is rejected, as no other ground is made out. If at all other accused is not available, then the case can be separated and the matter to proceed.

(MRIDULA BHATKAR, J.)