

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3240 OF 2010

Gulam Sabir Qureshi

... Petitioner

Versus

The State of Maharashtra and Ors.

... Respondents

None for the petitioner.

Adv D. Shriram Shirsat for R. No. 4.

Adv. F.R. Shaikh, APP for the respondent State.

**CORAM : B.P. DHARMADHIKAKRI &
SARANG V. KOTWAL, JJ.**

DATE : NOVEMBER 22, 2018

P.C.:

The matter was called out on 19/11/2018 when junior Advocate Shraddha was present in court. Learned APP for respondent State was then directed to assist the court. Learned APP then invited our attention to the question involved as recorded in the order dated 4/5/2011. Learned APP today informs that the State Government had then selected respondent no. 4 for the said job. However, today Advocate Shriram Shirsat for respondent no. 4 submits that respondent no. 4 has already got other assignments and he is present in the court on his behalf only to assist the

court. According to him, this court may not have jurisdiction to examine such controversy.

2. We keep the contention of Advocate Shirsat open. As respondent no.4 has got other assignments and has no time to spare for this trial, we find it not necessary to dwell upon the merits of the controversy. The crime is of the year 1994 and the chargesheet has been presented in the year 1995. The trial has not yet begun.

3. In the circumstances, we direct respondent no.1 State to take appropriate decision afresh as per law in the matter within three months so that the trial can proceed further expeditiously.

4. It is open for respondent no. 1 to consider nominating respondent no. 4 again, if he communicates his readiness and willingness for the said job.

5. With the above directions, we partly allow the writ petition and dispose of the same. There shall be no order as to costs.

(SARANG V. KOTWAL, J.)

(B.P. DHARMADHIKARI, J.)