

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 58 OF 2018

(VIJAYAT @ ANJUM LIYAKAT ALI KHAN...VS.. STATE OF MAH. THR. PSO PS KHANDALA.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M.A.Qureshi, Advocate for Applicant.
Shri A.M.Balpande, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : FEBRUARY 06, 2018.

Heard.

The applicant had earlier filed Criminal Application (BA) No. 418 of 2017 which was dismissed by the order dated 18th July, 2017. Now, the applicant has filed this application under Section 439 of the Code of Criminal Procedure on the ground that when his earlier application was dismissed at that time it was pointed out to the Court that the applicant is involved in 14 other crimes, however, after 18th July, 2017, the applicant is acquitted in eight prosecutions. According to the applicant, this change in the circumstances are required to be considered and the non-applicant be directed to release the applicant on bail. Further grievance is made that the prosecution has not taken any steps to ensure that the trial commences.

The change in circumstance pointed out by the learned advocate for the applicant is not sufficient to grant the prayer made in this application.

The application is **dismissed**.

While dismissing the earlier application filed by the applicant, this Court had expressed hope that the trial would be expedited as per the directions given by the Hon'ble Supreme Court in the case of *Hussain and another Vs. Union of India*, reported in **AIR 2017 SC 1362**.

The learned Sessions Judge shall ensure that the trial commences and concludes as per the time schedule discussed in the above referred judgment.

JUDGE

RRaut..