

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

CRIMINAL APPLICATION (BA) No.928/2018

Gopal Nandlal Tekam Vs. State of Maharashtra, through P.S.O., Pandharkawada, Dist.
Yavatmal.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : M.G.GIRATKAR, J.
DATE : 24.10.2018

Heard Shri Narwade, learned counsel for the applicant. He has submitted that the incident took place on 28.09.2017 and the report was lodged on 9th October, 2017. So, there is a considerable delay in lodging the report.

Perused the report and the statement of the complainant. It shows that he was constantly threatened by this applicant and other co-accused and therefore, he could not lodge report as his life was in danger. He himself sought protection from the accused while lodging the report. Therefore, sufficient explanation is given for lodging late report.

From the perusal of the charge sheet, it appears that the complainant himself saw the incident and that, the applicant stabbed the deceased. He tried to save the deceased by taking him to hospital, but because of poverty, he could not take him to hospital on the same day. However, on the next day, he taken him to Government Hospital at Yavatmal and he died during the treatment.

Learned trial Court has recorded correct findings by holding that there is prima facie case made out against the

applicant. Since the charge sheet is filed, at the most, direction can be given to the trial Court to expedite the trial. Hence, the following order.

ORDER

- (1) The application is rejected.
- (2) The trial Court is directed to expedite the trial and decide the same within six months from the date of receipt of order of this Court.

Needless to mention that the trial Court shall not get influenced by any of the observations made in this Order while deciding the trial on merit.

JUDGE

Andurkar