

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 105 OF 2019
(THROUGH JAIL)**

Mohd. Wali Ahmed Shaikh	...Applicant
Versus	
The State of Maharashtra	...Respondent

Ms. Supriya Kak, as *amicus curiae*

Mr. S. V. Gavand, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 26th APRIL 2019

P.C. :

1 By this application sent through jail, the applicant seeks transfer of his case to another Court, as the trial of the applicant is being delayed.

2 Ms. Supriya Kak, learned *amicus curiae* submits that the grievance of the applicant is that despite charge being framed on 17th September 2018, there has been no progress in the trial. She submits that the applicant is also not being produced on the dates given by the trial Court, leading to further delay in the expeditious disposal of the applicant's trial.

3 Learned A.P.P has produced a report dated 26th April 2019. The same is taken on record. Learned A.P.P, on instructions, states that the applicant has been given an Advocate through Legal Aid and the trial of the applicant has commenced. He submits that the examination-in-chief of one witness is over and the matter is posted for cross-examination of the first witness on 27th May 2019. Learned A.P.P, on instructions, assures this Court that the applicant will be produced on the dates and time given by the trial Court and that the prosecution will not, in any way, delay the trial.

4 Considering the fact that the trial has commenced and in view of the statement made by the learned A.P.P, it is not necessary to consider the application for transfer of applicant's trial to any other Court.

5 Since the trial has commenced, the learned Judge is requested to conclude the same as expeditiously as possible and preferably within 6 months from today.

6 The Application is accordingly disposed of.

7 The concerned Officers responsible for producing the
applicant as well as the Superintendent, Thane Central Prison to
ensure that the applicant is produced on the dates and time given by
the trial Court.

8 The learned A.P.P to communicate the order to the trial
Court, the Superintendent, Thane Central Prison and the concerned
Officers responsible for producing the applicant, for necessary
compliance. A copy of this order be sent to the applicant, who is
lodged in Thane Central Prison.

9 I would like to record a word of appreciation for the
learned *amicus curiae*.

10 High Court Legal Services Committee to award fees of
the learned *amicus curiae*, as per Rules.

REVATI MOHITE DERE, J.