

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 106 OF 2019
(Through Jail)

Rajendra Shankar Raut .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Gaurav Thote, Amicus Curiae appointed for the Applicant
Mr. P. H. Gaikwad, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 19.03.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, sent through jail, the Applicant seeks transfer of his case from the Court of the learned Sessions Judge, Nasik to any other Court. On 18.03.2019, Mr. Gaurav Thote was appointed as amicus curiae to espouse the cause of the Applicant. Mr. Thote states that the transfer is sought on the ground, that there is no progress in the trial of the Applicant's case and that he is languishing in jail since 2013.

3. Learned APP on instructions states that till date, seven witnesses have been examined and six more witnesses are to be examined. Learned APP submits that the trial can be over within three months.

4. Considering the fact, that the trial has progressed substantially, inasmuch, as seven witnesses have been examined and only six witnesses are remained to be examined, no ground is made out for transfer of the case. The learned Sessions Judge, Nasik to conclude the case as expeditiously as possible and in any event, within six months from today. Learned APP assures that the Applicant will be produced on all the dates given by the trial Court. Statement accepted.

5. The Application is, accordingly, rejected with the aforesaid observations. Registry to inform the Applicant, who is lodged in Nasik Central Prison. A copy of the order also be sent to the Superintendent, Nasik Central Prison so as to enable the authority to take steps to send the Applicant to the concerned Court, on the dates given by the trial Court.

6. The Application is, accordingly, disposed of.

(REVATI MOHITE DERE, J.)