

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRI WRIT PETITION NO. 847 OF 2016

WITH

CRIMINAL APPLICATION NO. 231 OF 2017

Samir Sharad Kulkarni

...Petitioner

Versus

The State of Maharashtra

...Respondent

Mr. Samir Kulkarni, Petitioner-in-person, present.

Mr. S. D. Patil, for the Respondent/NIA.

Ms. Sangita Shinde, APP for the State/Respondent.

**CORAM: RANJIT MORE &
N. J. JAMADAR, JJ**

DATED: 29th AUGUST, 2019

PC:-

1. Heard Mr. Kulkarni, petitioner-in-person and Mr. Patil, the learned Counsel for the respondent – NIA.

2. By this petition, the petitioner has challenged the order dated 22nd January, 2016, below 'Exhibit 2570'. By the said order the petitioner/accused no.5's application for video-recording of the whole trial of NIC Special Case No.1 of 2016, came to be rejected. The application is rejected on the ground that there is no specific provision in the Code of Criminal Procedure. We do not find any error in the reasoning of the said order.

3. Be that as it may, Mr. Patil, the learned Counsel for the

respondent/NIA also invited our attention to Section 17 of the NIA Act, under which the NIA proceedings/trial can be held in-camera. Mr. Patil also submits that the investigation agency has also made request to the Special Court to hold the trial of the NIA Special Case No.1 of 2016, in-camera. This application is pending in the Court.

4. The petitioner-in-person submits that video-recording of the trial is necessary for the purpose of speedy trial. We do not agree as the Apex Court and this Court have directed the Special Court to dispose of the NIA Special Case No.1 of 2016, expeditiously by conducting day-to-day hearing.

5. The petitioner makes a grievance that despite directions of the Apex Court and this Court, day-to-day hearing of the Special Case No.1 of 2016 is not taken. The petitioner, however, has not disputed that the learned Special Judge is assigned the NIA Special Case No.1 of 2016 only and no other case is allotted to the said Court.

6. Mr. Patil placed on record the report dated 20th August, 2019, issued by Deputy SP/CIO, NIA, Mumbai. The report shows that charge is framed on 30th October, 2018 and from the date of framing of the charge till July, 2019, in all 126 witnesses have been examined. It shows that per day at least

one witness has been examined. The report further shows that the NIA proposes to examine total 495 witnesses out of which 126 witnesses have already been examined. The remaining 369 witnesses are to be examined. The report shows that those witnesses can be examined till December, 2020.

7. In the light of the report of NIA, we are not inclined to give any more direction to the Special Court. But, we hope and trust that the Special Court will comply with the mandate of the orders of the Apex Court and this Court. We also direct the prosecution agency and accused to co-operate with the Court so as to ensure expeditious disposal of the said case. We further direct that they shall not seek adjournment so that the precious judicial time of the Special Court is utilised to the optimum extent.

8. Subject to above, the petition stands dismissed.

9. In view of dismissal of the petition, the criminal application does not survive and stands disposed of accordingly.

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]