

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1622 OF 2019**

Kedar Vishnu Patil	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Kunal D. Ambulkar for the Applicant

Mr. A. R. Patil, A.P.P for the Respondent-State

Mr. Karl Rustomkhan for the Complainant

PI Mr. R. B. Valakar (I.O.) from Mumbra Police Station, is present

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 4th DECEMBER 2019

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks the following prayer :

“a. This Hon'ble Court be pleased to direct the Addl. Sessions Judge, Thane to expeditiously hear and conclude the Sessions Case No. 227 of 2015 in time bound manner within such period as this Hon'ble Court may deem fit, in the interest of justice.”

3 Perused the papers. The applicant was arrested in connection with C.R. No. I-74/2015 registered with the Mumbra Police Station, Thane for the alleged offences punishable under Sections 302, 143, 144, 147, 148,

149 r/w 120B of the Indian Penal Code, Sections 3 and 25 of the Arms Act and Section 135 of the Maharashtra Police Act.

4 It appears that charge-sheet in the said case was filed on 26th August 2015. Since the applicant's application for bail was rejected, the applicant is in custody since January 2015 i.e. for almost 4 years and 11 months. Learned counsel for the applicant states that despite the case having been expedited by this Court vide order dated 24th February 2017 passed in Bail Application No. 1085/2016, the case has not progressed and that charges were framed as against the applicant and other accused only on 9th October 2019. Learned counsel for the applicant relied on the Roznama to show that the said case is being delayed by the complainant, with the object of seeing that the applicant is incarcerated in jail.

5 Learned A.P.P, on the instructions of the Investigating Officer, who is present in Court, states that although the charge-sheet shows that there are about 46 witnesses, the prosecution intends to examine about 25 to 30 witnesses in the said case. He submits that presently the first witness i.e. the complainant is in the witness box. Learned A.P.P assures that they will keep the applicant/accused as well as the witnesses they propose to examine, present on all dates in the trial Court.

6 Learned counsel for the complainant is also present in Court and assures that the complainant will cooperate in the conduct of the trial and will not seek adjournments. Statement accepted.

7 Having regard to the fact that the applicant is in custody for almost five years and there is no substantial progress in the said case despite the trial having been expedited in 2017, the learned Judge to conclude the trial as expeditiously as possible and in any event, within nine months from the date of receipt of this order. All parties to cooperate in the conduct of the case.

8 Application is disposed of on the aforesaid terms.

9 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.