

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.180 OF 2019

Kumar@ Appaso Kallappa Kumsage

.....Applicant

Versus

The State of Maharashtra

.....Respondent

Mr. Kuldeep S. Patil, Advocate for the Applicant.

Mr. S.S. Hulke, APP for the Respondent-State.

CORAM : SURENDRA P. TAVADE, J.

DATE : 10th JANUARY, 2020

P. C. :

1. The present petition is filed by the accused in Special (Atrocity) Case No.12 of 2013 for expeditious hearing of the case. It is contended that Special (Atrocity) Case No.12 of 2013 was filed against him in the year 2013. The charge was framed, but on every date of hearing, the complainant had filed an application for adjournment on many reasons. Therefore, the applicant/accused has filed Criminal Writ Petition No.908 of 2017 for expeditious hearing of the said case, wherein this Court had directed the trial Court to decide Special (Atrocity) Case No.12 of 2013 expeditiously and dispose of the same as early as possible. It is also directed that the litigating sides shall refrain from seeking adjournments on unreasonable grounds. Even the evidence of complainant was not recorded. Hence, the status of case was sought from the trial Court. The

learned District Judge-1 and Additional Sessions Judge, Sangli has filed her report dated 25.09.2019, wherein she has stated that the original complainant Smt. U.B. Wetam sought adjournments on different grounds. It was also informed that there are different directions from this Court to expedite the hearing and no adjournment would be granted to her and matter was now listed for hearing on priority basis. The learned trial Court has simply expressed her anxiety to proceed with the trial, but practically nothing is happened till today. Therefore, the trial Court is required to be directed to dispose of Special (Atrocity) Case No.12 of 2013 in time framed manner. The offence is under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Looking to the nature of offence and the witnesses, it appears that the matter can be disposed of within a period of four months if the priority is given to it. The matter is pending since 2013. Therefore, the same directions are required to be given to the trial Court. Hence, I pass the following order:

- : O R D E R : -

- (i) The Writ Petition is allowed.
- (ii) The trial Court is directed to expedite the hearing of Special (Atrocity) Case No.12 of 2013 by giving top priority and dispose of within a period of four months from the receipt of this order.

[SURENDRA P. TAVADE, J.]