

Anand

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

CRIMINAL TRANSFER APPLICATION NO. 446 OF 2019

Shivprasad Balgovind Kesari & anr. .Applicants

Vs.

The State of Maharashtra .Respondent

Mr. Prashant Gurav, Advocate, for the Applicants
Mr. A. R. Patil, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 16.10.2020

(THROUGH VIDEO CONFERENCING)

P. C.

. Heard learned counsel for the parties.

2. At the outset, learned counsel for the Applicants does not press this Transfer Application. He, however, requests that since the trial is at the fag end, pending only for arguments of the respective parties, the trial of the Applicants be expedited. He submits that recording of the evidence is complete and that the 313 statements of the Applicants have also been recorded and that the matter is posted for ‘arguments’. He submits that in fact, even the Prosecutor has completed his argument in October, 2019 and now, only the arguments of the Applicants are to be

heard.

3. Learned APP has no objection, if a direction is given to the learned Sessions Judge before whom the Applicants' case is pending i. e. S. C. No. 86 of 2013, since only the arguments are left to be concluded.

4. Perused the papers. The Applicants are in custody since 21.11.2012. The trial of the Applicants has already been expedited by this Court (Coram : Revati Mohite Dere, J.) vide Order dated 04.03.2015. It appears that the prosecution has examined all its witnesses and the 313 statements of the Applicants have also been recorded. It also appears that the learned APP has already concluded his argument some time in October, 2019 and the matter is only pending for the arguments of the Applicants. Since the matter was posted only for arguments, the learned Sessions Judge was not justified in keeping the matter pending during the Pandemic, as the arguments could well be heard, through V. C.

5. Having regard to the aforesaid, in the interest of justice, the learned Special Judge, Greater Bombay is directed to hear the

arguments of the parties and deliver the Judgment thereafter. The said exercise to be completed on or before 27.11.2020. Pandemic cannot be an excuse for not disposing of a matter which was only kept for arguments and for delivering Judgment.

6. At this stage, learned counsel for the Applicants submits that the next date in the trial Court is 03.11.2020. Liberty is granted to the learned counsel for the Applicants to have the aforesaid date pre-poned by placing the order passed today before the trial Court so as to enable the learned Sessions Judge, Greater Bombay at Dindoshi (Borivali Division) to pre-pone the date in the case, for hearing the arguments.

7. The Application is disposed of on the aforesaid terms.

All concerned to act on the copy of this order digitally signed by Personal Assistant / Private Secretary.

(REVATI MOHITE DERE, J.)