

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPEAL NO. 332 OF 2020

(MOHD. AAZAM MOHD.ISRAIL SHEIKH & 2 OTH....VS. STATE OF MAH.THR.PSO PS ASHTI & ANR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.K.Bhoyar, Advocate for Appellants.
Shri S.J.Kadu, A.P.P. for Respondent No.1.

CORAM : Z.A.HAQ & AMIT B. BORKAR, JJ.
DATED : SEPTEMBER 23, 2020.

Heard learned Advocate for the appellants and
the learned A.P.P. for the respondent/ State.

2. Earlier Criminal Appeal No.724 of 2019 was filed by the appellants before this Court challenging the order passed by the learned Sessions Judge rejecting their application under Section 439 of the Code of Criminal Procedure. By order dated 20th November 2019 this Court accepted the request made on behalf of the appellants and permitted them to withdraw the appeal. However, considering the fact that the accused were in jail for the period of one year, it was directed that the trial be conducted expeditiously and disposed within 4 months from receipt of the order. As directed by the order dated 20th November 2019 the learned Sessions Judge had sent communication dated 8th June 2020 to this Court requesting for extension of time to complete the trial. By order dated 14th July 2020 this Court extended time by 6 months to complete the trial. While extending time a request made on behalf of the accused for being released on bail was also considered and liberty was

granted to the accused to renew the request if the trial was not completed within the extended period. The appellants have not been able to point out that the period of 6 months, as extended by this Court by order dated 14th July 2020, has expired. The learned Advocate for the appellants submitted that 4 months' time was granted to complete the trial by order dated 20th November 2019, which expired on 19th March 2020 and then by order dated 14th July 2020 this Court extended the period by 6 months, which expired on 18th September 2020. This submission cannot be accepted. By order dated 20th November 2019 this Court directed the Special Court to complete the trial within 4 months from the date of receipt of the order.

3. The appellants have not been able to point out the date on which the Special Court received copy of the order dated 20th November 2019. The learned Advocate for the appellants, relying on the stray observations made by the learned Special Judge in the order passed on M.C.A. No. 300 of 2020 on 7th July 2020 (wrongly mentioned as 07/07/2019), submitted that the time to complete the trial has expired in March 2020. This submission also cannot be accepted as the learned Special Judge has observed that the time of 4 months, as stipulated by the order passed by this Court on 20th November 2019 expired in March 2020, which may be till 31st March 2020.

Hence, the appeal is **dismissed**.

(AMIT B. BORKAR, J)

(Z.A.HAQ, J.)