

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

LDVC/CRIMINAL APPLICATION (BA) NO. 150/2020

Prashant alias Pintu s/o Shashikant Mistri

-VERSUS-

State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri R. R. Vyas, Advocate for applicant.
Shri S. Y. Deopujari, Government Pleader for State.

CORAM : VINAY JOSHI, J.

DATE : JUNE 22, 2020.

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. Perused the order of this Court dated 05.06.2020 reveals that on 05.06.2020, at the time of hearing of bail application, the learned Additional Public Prosecutor made a statement in the Court that the copy of charge-sheet which was forwarded by the applicant's Advocate was not received by the Government Pleader Office. It appears that the applicant's learned Advocate has

2

categorically made a statement before the Court that already such copy was sent through E-mail on 20.05.2020. This Court found that statement made by the Additional Public Prosecutor was incorrect.

3. Having regard to the said facts, this Court has requested Registrar (Judicial) to make an inquiry and to submit report to this Court whether charge-sheet has been received by the office of Government Pleader. Further, it was expressed that if the charge-sheet was indeed received then Registrar (Judicial) may consider initiating appropriate action after fixing the administrative accountability.

4. In the light of said position, learned Government Pleader has submitted report dated 16.06.2020. At the inception on behalf of concerned Clerk he expressed apology. It is candidly admitted that on 20.05.2020, copy of charge-sheet was received by the office through E-mail, however due to paucity of man power and

3

heavy work, the concerned Clerk has not downloaded the copy of charge-sheet which resulted into misstatement. The explanation of concerned Clerk is also forwarded who in turn admitted his negligence and assured to remain careful in future.

5. It is undisputed that we are facing difficult situation in which the matters are heard through Video Conferencing. First time the method is being followed to receive copies of papers by the office of Government Pleader through E-mail. Moreover, it is factual aspect that the Government Offices including Court, are functioning with only 5 to 10 percent working staff. Having regard to the peculiar facts, the mistake appears to be bonafide and therefore, to my mind only the thing required is that concerned Clerk shall be given understanding about the gravity of the matter so as to in future such mistake would be avoided.

6. Since this Court has directed Registrar

4

(Judicial) to take steps as stated in para 6 of the order dated 05.06.2020. The Registrar (Judicial) is directed to take further steps in his sole discretion if he thinks fit in the light of the above observations and to report the compliance.

7. Heard.

8. Since this Court has shown non-inclination to grant bail, learned Advocate for applicant requested for withdrawal this application.

9. Withdrawal is permitted as prayed for. Hence bail application stands disposed of as withdrawn.

10. This order be communicated to the counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

Gohane.

**Jitendra
Gohane**

Digitally signed by
Jitendra Gohane
Date: 2020.06.22
17:52:05 +0530