

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.**

CRIMINAL APPEAL NO. 383 OF 2020

Dipak Santosh Fulpagare

...Appellant

Versus

The State of Maharashtra & Anr.

...Respondents

.....
Shri. Satej S. Jadhav, Advocate for the appellant
Shri. R. D. Sanap, APP for respondent No. 1
Shri. N. N. Desale, Advocate for respondent No. 2
.....

**CORAM : RAVINDRA V. GHUGE
AND
B. U. DEBADWAR, JJ.**

DATE : 08th January, 2021

PER COURT : -

1. We have briefly heard the learned Advocates for the respective parties.

2. We find that Sessions Case No. 72/2018 was already under a time frame in view of the order of this Court dated 09.01.2019 passed in Criminal Appeal No. 935 of 2018 filed by the present appellant. He is still behind bars and the trial has not concluded within six months from 09.01.2019, which was directed by this Court.

3. The learned Prosecutor submits that, if a strict time frame is mandated by this Court for deciding the said Sessions Case, the trial would be concluded.

4. The learned Advocate appearing on behalf of respondent no. 2 submits that, his client makes a statement that he would not seek unnecessary adjournments and would not prolong the matter before the trial Court.

5. Considering the above statement made, the learned Advocate for the appellant submits, on instructions, that the appellant be permitted to withdraw this case and the Sessions Case can be decided by the end of April-2021.

6. In view of the above and as the statement is made by respondent no. 2 as well as the State that they would not seek unnecessary adjournments or prolong the matter before the trial Court, this appeal is disposed off as withdrawn.

7. Considering that this Court had earlier issued a time frame to the trial Court, we deem it appropriate to observe that the

trial Court shall decide Sessions Case No. 72/2018, as expeditiously as possible and in any case, on or before 30.06.2021. The trial Court would be at liberty to impose costs on the parties if it notices that a particular party is seeking unnecessary adjournments or adjournments on trivial grounds. In the event an application for extension of time is moved before us in an improbable situation, this Court would be strict in scrutinizing such an application.

8. The learned Advocate for the respondent No. 2 and the learned Prosecutor submit that those accused who are on bail are the ones who are seeking unnecessary adjournments so as to continue to remain on bail. We deem it appropriate to observe that if the trial Court notices such conduct on the part of the accused who are on bail, it shall be at liberty to impose costs on such accused.

9. After receiving the writ, the learned trial Court shall tender a progress report to this Court through the learned Registrar (Judicial) of this Bench, on month to month basis, preferably, before the 10th day of each month, beginning from February, 2021.

10. In the event of the trial not being completed despite the directions as above, the appellant would be at liberty to renew his

request for regular bail before the trial Court, if he has not delayed the case.

[B. U. DEBADWAR]
JUDGE

[RAVINDRA V. GHUGE]
JUDGE