

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 692 OF 2021

NILESH TANAJI SAKHARE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Petitioner : Mr. Vijay Vasant Rao Deshmukh
APP for Respondent-State : Mr. M. M. Nelrikar
...

**CORAM : V. K. JADHAV AND
S. G. DIGE, JJ.**

DATE : 26th JULY, 2021

PER COURT :-

Heard finally with consent of learned counsel appearing for the parties at the admission stage.

2. By this petition, the petitioner prays that Special Atrocity Case No. 21 of 2018 pending before the Judge, Special Court, Ambajogai, District Beed, may be directed to be decided as expeditiously as possible, preferably within a period of three months.

3. By order dated 28th June, 2021, we called the report from the concerned Court as to the present status of case bearing Special Atrocity Case No. 21 of 2018.

4. The learned Judge of the trial Court has communicated that the APP withdrew from the case and the proposal for appointment of another Prosecutor has been forwarded. However, new Prosecutor has not yet appeared in the case.

5. We, accordingly, by order dated 12th July, 2021, directed the learned APP to take instructions in this regard and to find out whether a new Prosecutor has been appointed so far in connection with the said case.

6. In compliance of order dated 12th July, 2021, as above, the learned APP has taken instructions and informed to this Court that a new Prosecutor has been appointed on 19th July, 2021.

7. In view of the above, there is no hurdle, as such, for the trial Court to dispose of the case, as expeditiously as possible, however, as a matter of precaution and considering pandemic situation, we directed the Registrar (Judicial) of this Court to place on record the current Standard Operating Procedure (SOP).

8. We have carefully perused Circular dated 09-06-2021, which has come into force with effect from 15-06-2021. In clause No.4 of the said Circular, it has been mentioned that “*All the Courts in the State of*

Maharashtra included in Level 4 and Level 5 shall continue to function as per the Circular dated 16-04-2021 with requisite number of Judicial Officers and 25% strength of the Staff Members”. However, discretion is also given to the Principal District and Sessions Judges/Head of the Establishments to adopt the mechanism of functioning of the Courts.

9. Accordingly, we have gone through Circular dated 16-04-2021, wherein, it is directed to all the Courts to function in One Shift and take up remand, bail and urgent criminal and civil matters w.e.f. 19-04-2021 with judicial working hours of 2½ hours.

10. In view of the above, it would not be appropriate on our part to issue direction to the trial Court to decide the case in time bound manner. However, we direct the learned Judge of trial Court to decide the case bearing Special Atrocity Case No. 21 of 2018, as expeditiously as possible, preferable within a period of six months from the date when normal course is restored and physical hearing of the case in trial Court is permitted by the High Court.

11. We, accordingly, disposed of this Writ Petition.

(S. G. DIGE)
JUDGE

(V. K. JADHAV)
JUDGE