

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1094 OF 2020

Dilip @ Daya Tayappa Jagli .. Applicant

Vs.

The State of Maharashtra .. Respondents

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Mr. Vinod Kashid for the Applicant.

Mr. S.H. Yadav, A.P.P. for the State.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 19TH JULY, 2021.

P.C:-

1. In order dated 07/07/2021, the grievance of the Applicant was noted that the trial has commenced but not a single witness was examined. Today, learned A.P.P. makes a categorical statement that the evidence of 41 witnesses in Special Case No.4 of 2013 is over and 5 more witnesses are required to be examined.

2. Learned counsel for the Applicant is justified in agitating his grievance since he is incarcerated since 2012. However, now

since the substantial part of the trial is over and only 5 witnesses remain to be examined, the trial needs to be expeditiously concluded. Nine years is a high time for culmination of a trial for an offence under the MCOCA.

3. Keeping this in mind and by making exception to the principle that the higher court shall not issue time bound direction to the lower court, considering the special circumstances, the MCOCA Special Court is requested to complete the trial of the MCOCA Special Case by 31/12/2021 by overcoming whatever difficulties come in its way, one of which being the non-availability of the Sanctioning Authority who, according to learned counsel for the Applicant, is in Dubai. The Special Court is requested to make necessary arrangements through video conferencing or any other available mode, if the Sanctioning Authority is unable to physically attend the court. During pandemic, the entire judiciary has functioned and continue to function virtually and, by this time, it has been an encouraging experience, cutting time and distance, both.

4. With the passing of the aforesaid direction, learned counsel for the Applicant seeks permission to withdraw the Application. The Application is allowed to be withdrawn and is disposed of as such.

[SMT. BHARATI DANGRE, J.]