

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4574 OF 2017

Milind Prabhakar Parab

.... Petitioner

Versus

The State of Maharashtra

.... Respondent

....

Mr. Subir Sarkar, Advocate (appointed through Legal Aid) for the
Petitioner.

Mr. K.V. Saste, APP for the Respondent-State.

....

**CORAM : NITIN JAMDAR AND
SARANG V. KOTWAL, JJ.**

DATE : 17 DECEMBER 2021

P.C.

The learned counsel for the Petitioner states that the petition was filed seeking copy of the CDR of the first informant at the time of trial. The learned counsel states that by a subsequent order dated 21 September 2021 passed by the learned Special MCOCA Court in Special Case No.6/2016, the Petitioner has been acquitted and, therefore, the petition is rendered infructuous.

2. In light thereof, the petition is disposed of as infructuous.

3. We note that the petition was received in the Registry on 25 October 2017. On 9 October 2018, the same was placed before the Court and an Advocate was appointed to represent the Petitioner.

Thereafter the matter did not appear on board and in the meanwhile the appointed Advocate passed away and another panel advocate was appointed on 28 February 2020 and, therefore, the matter is placed on board today.

4. In the meanwhile, the trial has been completed as stated. Had the Registry of this Court first informed the Legal Services Authority to appoint an Advocate before placing the matter before the Court for appointment of an Advocate from the panel, the delay of at least one year between 25 October 2017 to 9 October 2018 would have been saved. In that period the trial must have substantially advanced, frustrating the very object of filing this petition.

5. The Registry and the Legal Services Authority will consider examining the current practice and find a solution how the same can be expedited otherwise delay of such nature make the purpose for which the matters are moved through the jail nugatory. Copy of this order be sent to the Legal Services Authority.

PRADIPKUMAR
PRAKASHRAO
DESHMANE

Digitally signed by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date: 2021.12.20
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(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)

Deshmane (PS)