

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CRIMINAL APPEAL NO. 394/2021
(Vasanta s/o Dattuji Dhole vs. The State of Maharashtra and another)

Office Notes, Office Memoranda of
 Coram, appearances, Court's orders
 of directions and Registrar's orders

Court's or Judge's order

Mr. S.R.Dube, Advocate for the appellant
 Mr T.A. Mirza, APP for respondent no.1

**CORAM : V. M. DESHPANDE &
 AMIT B. BORKAR, JJ.**

DATED : 28th September, 2021

Heard.

2. This is an Appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 since the application filed on behalf of the appellant/applicant for regular bail was rejected by the learned Judge of the trial Court.

3. It is to be observed here that prior to this Appeal, the appellant on earlier occasion, filed Criminal appeal No.499/2020. The said Appeal was taken up for consideration by this Court (Coram : Z.A. Haq & Amit B. Borkar, JJ). After hearing the learned counsel for the appellant who was appearing for and on behalf of the appellant when the Court expressed its opinion that the Court is not inclined to grant any relief, the Advocate for the appellant in that Appeal sought permission to withdraw the Appeal. However, he requested that the trial be expedited. A prayer was made that if the trial did not commence within four months, he shall be given opportunity to approach again before the

Court. In view of the submission made on 18.12.2020, the Court passed an order expediting the trial and to complete it within eight months. It was also observed by the court that if the trial does not commence within eight months, then the appellant shall be at liberty to file a fresh application before the Sessions Court reiterating his request for grant of bail.

4. The appellant thereafter again moved an application before the Wardha court and his application was rejected and, therefore, the present Appeal was filed.

5. This Appeal was taken up for hearing on 24th September, 2021. On the said date, learned counsel for the appellant Mr. M.S. Dube submitted that as on today even the charge is not framed by the trial court and, therefore, his plea for bail be considered. In view of this statement, we directed Mr. T A Mirza, learned APP for the state to obtain instructions as to whether the trial has commenced or not.

6. Today, Mr M.S. Dube, Advocate is absent and his colleague Shri S.R.Dube is present. Shri T.A. Mirza learned APP submitted that the trial has already commenced.

7. It is really unfortunate that though the said fact was in the knowledge of the counsel for the appellant, an incorrect statement was made before this court.

8. Since on merit on earlier occasion, this Court has shown his disinclination to grant relief of Appeal in favour of the appellant and in view of the admitted position that the trial has already commenced, we see no reason to interfere in this Appeal. The same is dismissed.

JUDGE

JUDGE

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