

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL WRIT PETITION NO. 734 OF 2018

(ICICI Bank Ltd. ..vs.. The State of Maharashtra, through PSO, PS Sitabuldi, Nagpur and others)

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

Court's or Judge's orders

Mr. M.R. Joharapurkar, Counsel for the petitioner,
Mr. S.S. Doifode, Addl.P.P. for respondent 1/State.

CORAM : ROHIT B. DEO, J.

DATED : 11-02-2021

I do not find any error in the order impugned rendered by the Special Judge, MCOC, Nagpur of refusing permission to sell the vehicle released in favour of the petitioner-Bank on supratnama. According to the learned Counsel Mr. M.R. Joharapurkar, the prosecution case is that a person was murdered in the vehicle. Facts are blurred. However, the order of rejection of permission to sell refers to the vehicle as evidence. In this view of the matter, I do not see any error in the view taken by the Special Judge.

2. This Court passed the following order on 13-1-2021.

“This Court passed the following order on 31.10.2018:

“Heard.

By this petition, the petitioner has challenged the order passed by the learned Sessions Judge rejecting its prayer to sell the vehicle

hypothecated to it and seized as the vehicle is involved in commission of the crime for the offence including the offence punishable under Section 3 of Maharashtra Control of Organized Crime Act.

The prosecution is pending since 2015. These miscellaneous proceedings are going on since 2016 and the impugned order is dated 05/12/2017. The petition is filed after almost seven and half months. The learned APP, on instructions from the Investigating Officer, has stated that recording of evidence would begin from 03/11/2018.

In the facts of the case, the following order is passed:

RULE.

Shri T.A. Mirza, learned APP waives notice for the respondent no. 1.

The Additional Sessions Judge-5, Nagpur shall expedite the trial and conclude it within four months.

The petitioner is granted liberty to circulate the matter immediately after conclusion of the trial or after four months, whichever is earlier”.

2. The Registry shall call for report from the Principal District Judge, Nagpur as regards the status of the trial.

3. If the direction of this Court is not complied with, and the trial is not over, the Principal District Judge shall seek explanation of the learned Judge and shall annex the same to the report.

4. The needful shall be done within a week.

5. Stand over next week.”

3. The report of the Principal District and Sessions Judge, Nagpur, which is, as a fact, status report submitted by the District Judge-2 and Special Judge, MCOC, Nagpur is received.

4. It is clear that there is no satisfactory explanation for not complying with the order dated 31-10-2018 vide which the trial Court was directed to conclude the trial within four months. While the direction to conclude the trial within four months was issued on 31-10-2018, according to the status report, the deposition of the first witness was completed on 29-1-2019 and it took more than a year to complete the deposition of the other sixteen witnesses. In view of the pandemic, there is no progress after 07-3-2020, which is understandable.

5. The Principal District and Sessions Judge, Nagpur shall call for an explanation from the Judge who was holding the charge at the relevant time and the same shall be placed before the Registrar (Judicial) of this Court.

6. The Special Judge, MCOC, Nagpur, who is in seisin of the trial, is directed to complete the trial within ninety days.

7. Subject to the aforesaid direction, the petition is dismissed.

JUDGE