

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.184 OF 2022

LAHU RAMKRISHNA SALUNKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Kore Ganesh J
APP for Respondents: Mr. S S Dande

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CORAM : V.K. JADHAV & SANDIPKUMAR C. MORE, JJ.
Dated: March 21, 2022

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PER COURT :-

1. The petitioner/original complainant is seeking directions to expedite the hearing of criminal case bearing RCC No.185 of 2015 pending before the Judicial Magistrate First Class, Gangapur.

2. By order dated 18.2.2022 we have directed to call the status report of the case bearing RCC no.185 of 2015 pending before the learned Judicial Magistrate First Class, Gangapur. On perusal of the report dated 2.3.2022 we have observed in our order dated 4.3.2022 that the learned Judicial Magistrate First Class, Gangapur is either a newly recruited or an inexperienced judicial officer. Even, she has not sent
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the report through the learned Principal District and Sessions Judge, Aurangabad, and, further instead of giving the status report as directed, the learned Judicial Magistrate First Class, Gangapur has sent the on-line status of the case. Consequently, we have directed the Registrar (Judicial) of this Court to explain the above order to the learned Judicial Magistrate First Class, Gangapur and call the status report again, which shall be forwarded through the Principal District and Sessions Judge, Aurangabad.

3. The Registrar (Judicial) of this Court has submitted his report dated 5.3.2022. We have carefully perused the said report. It appears that the learned Judicial Magistrate First Class, Gangapur was reluctant to talk to the Registrar (Judicial) of this Court, however, finally, the Registrar (Judicial) of this Court has received the call from the Judicial Magistrate First Class, Gangapur on the landline number of his office. It further appears from the report that when the Registrar (Judicial) of this Court has appraised the Judicial

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Magistrate First Class, Gangapur about the directions of this Court, the learned Judicial Magistrate First Class, Gangapur has opened the conversation with the word "बोला, काय आहे" (speak what you want). The Judicial Magistrate First Class, Gangapur has further replied to the Registrar (Judicial) of this Court that "which writ petition, she does not know, give the details". Thereafter, the Registrar (Judicial) of this Court appraised her about criminal writ petition and her report, to which the learned Judicial Magistrate First Class, Gangapur has replied that "her clerk has sent the print of the status report and it is not signed by her." It is further stated that, 'she has simply signed the letter, that too, due to instance of her clerk.' Though, the Registrar (Judicial) of this Court has tried to give understanding to the learned Magistrate, however, the learned Magistrate has repeatedly told him that computer print is the status report, and, if something additional is necessary, then, it should be reflected in the orders passed by the Court. Moreover, the Registrar (Judicial) of this Court has disclosed to us in our

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Chamber the arrogant behaviour of the learned Judicial Magistrate First Class, Gangapur. Even, though the Registrar (Judicial) of this Court has contacted to the learned Principal District and Sessions Judge, Aurangabad, however, the Principal District and Sessions Judge, Aurangabad has shown his inability to do anything. According to the learned Principal District and Sessions Judge, Aurangabad, the learned Magistrate is behaving with all the persons including the Principal District and Sessions Judge, Aurangabad in the same manner.

5. We have taken a very serious note of the conduct and behaviour of the learned Judicial Magistrate First Class, Gangapur. She is not a newly recruited Judicial Officer and she has joined the judicial services in the year 2015. We direct the Office to forward the report submitted by the Registrar (Judicial) to this Court alongwith our observations in this order to the Registrar (General), Principal Seat, Bombay for placing it before the Hon'ble the Chief Justice.

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6. It appears that this is a case of the year 2015 and as per the report submitted by the concerned learned Judicial Magistrate First Class, Gangapur on 8.3.2022, we find no justifiable reason for keeping the said case pending since 2015. It further appears from the report that till this date charge is also not framed in the case. In view of the same, we direct the Trial Court to decide the case, as expeditiously as possible, preferably within a period of SIX MONTHS from the date of receipt of this order by day-to-day hearing, if possible, and submit the fortnightly report to the Principal District and Sessions Judge, Aurangabad about the progress of the case. The learned Principal District and Sessions Judge, Aurangabad shall monitor the progress of the case and, give suitable directions to the learned Judicial Magistrate First Class, Gangapur time to time for disposal of the case, in a time bound manner, as directed by us. Criminal writ petition is accordingly disposed off.

(SANDIPKUMAR C. MORE, J.) (V.K. JADHAV, J.)

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