

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

**913 CRIMINAL WRIT PETITION NO.1012 OF 2022**

**UDAYA SANKAR MARIMUTHU  
VERSUS  
THE STATE OF MAHARASHTRA**

...  
Advocate for Petitioner : Mr. Vijay B. Patil  
APP for respondent/State : Mr. M. M. Nerlikar  
...

**CORAM : SMT. VIBHA KANKANWADI  
AND  
RAJESH S. PATIL, JJ.**

**DATED : 23<sup>RD</sup> NOVEMBER, 2022**

**PER COURT :-**

1. The petitioner is accused no. 4 in R.C.C. No. 475 of 2012 pending before the learned Judicial Magistrate First Class, Dhule. With a short prayer, the petitioner has approached this Court. He wants to expedite the trial and have speedy redressal / disposal of his case. It is, in fact, the constitutional right of an accused to have speedy disposal of the case, however, at the same time, we cannot give a go-bye to the procedure. It appears, that there were in all 14 accused persons and after filing of the charge-sheet it appears some of them do not remain present. Procedure has been undertaken and thereafter the trial has been split. Now, it appears that it is taken up as against accused nos. 1, 3, 4, 10 and 13. Two

witnesses have also been examined upto now. Though the charge appears to have been framed on 11.11.2016, the evidence of PW-1 appears to have been started on 02.12.2021. We will have to count the period of Covid-19 which prevented the trial Courts from recording the evidence. When now the procedure has been normalized, there could be speed to the trial.

2. By order dated 23.08.2022, we had called the status report from the learned Judicial Magistrate First Class, Dhule. It has been reported that there are about 63 witnesses to be examined by the prosecution and it appears that an impression has been given on behalf of the prosecution that about 21 out of those 63 are the material witnesses whose evidence is absolutely necessary. It can also be seen from the report that the learned Judge is taking care to keep the matter on the effective dates of working and has opined that minimum 10 months are required for the disposal of the present case.

3. Under such circumstances, it would be appropriate to direct learned Judicial Magistrate First Class, Dhule, to take up the matter on regular basis and to dispose it of within a period of ten (10) months from the date of receipt of the writ or the authenticated copy of this order. This time bound programme can be achieved only if the accused persons cooperate with the court. Hence, with a hope and trust that such

cooperation would be extended to the learned Magistrate, the above directions are given.

4. Writ Petition accordingly stands disposed of.

[RAJESH S. PATIL]  
JUDGE

[SMT. VIBHA KANKANWADI]  
JUDGE