

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 CRIMINAL WRIT PETITION NO.1126 OF 2022

DURGESH RAMESH KADI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioners : Ms. Pallavi Wangikar h/f Mr. D. N. Kakade
APP for Respondent No.1 – State : Mr. S. D. Ghayal
...

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

DATE : 16th September, 2022

ORDER :-

. Present writ petition has been filed for directing learned Judicial Magistrate First Class, Court No.17, Aurangabad to decide R.C.C. No.1936 of 2018 within one month.

2. Heard learned Advocate Ms. Pallavi Wangikar holding for learned Advocate Mr. D. N. Kakade for the petitioners and learned APP for respondent No.1 – State. It is not even necessary to issue notice to respondent No.2.

3. Roznama has been filed. It appears that the matter is part heard. It appears that the matter was earlier before the another Court and then on 15.07.2019, charge came to be framed. Immediately on the next date i.e. on 02.08.2019, the deposition of P.W.1 has been recorded. P.W.2 testified before the concerned Court on the third day i.e. 31.08.2019 and thereafter, it appears that the

matter was for issuance of witness summons. Exemption has been granted to the certain accused persons from appearing before the concerned Court. The learned APP before the concerned Magistrate appears to have taken prompt steps for filing applications for issuance of witness summons. Thereafter, it appears that during the lock-down period, progress cannot be done. It also appears from the roznama that the concerned Court was having additional charge of Court at Phulambri, which is the Taluka place. Sometimes, reports in respect of witness summons has been returned unserved or sometimes the report has not been given by the police. It also appears that P.W.3 has been testified before the Court on 07.01.2022 and thus, the matter is part heard. No doubt, every accused has right for speedy trial, but at the same time we are also required to consider the pendency of cases in a particular Court. When the learned Magistrate appears to be fairly taking up the matter, it would be unjust to ask him to finish the entire proceedings within one month. At the most, the concerned Magistrate would be directed to expedite the matter and accordingly, with the direction to the learned Magistrate to expedite the trial, the writ petition stands disposed of.

[RAJESH S. PATIL, J.]

[SMT. VIBHA KANKANWADI, J.]

scm