

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

979 CRIMINAL APPEAL NO.496 OF 2021

**BALU @ BALAJI TUKARAM WAGHMARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Appellant : Mr. Rathi Swapnil S.
APP for Respondent no.1-State: Mr. R. V. Dasalkar

....
**CORAM : V. K. JADHAV AND
SANDIPKUMAR C. MORE, JJ.**

DATED : 5th APRIL, 2022.

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P. C. :

1. We have heard the learned counsel for the appellant for some time.
2. This is a successive bail application filed only on the ground that despite the directions given by this court in the earlier order, the trial court has not disposed of the matter within a period of one year. We have called the status report of the trial court. It appears that there is one counter case and certain time was consumed in calling the said counter case from the court of the Magistrate where it was pending. It is well settled that the counter case is required to be tried along with this case with quick succession by the same court. In view of the same, unless and until the said counter case is transferred or committed to the present court, the trial in respect

of the present case, cannot be proceeded. However, the learned Judge of the trial court has assured us that he will try his level best to dispose of the matter within a period of three months. The learned judge of the trial court has however mentioned the huge pendency of the cases pending before him. Thus, considering the entire aspect of the case, we direct the learned judge of the trial court to dispose of the case along with the counter case as expeditiously as possible within a period of six months.

3. We direct the trial court to submit periodical progress of the case to the Registrar (Judicial) of this court.

4. Criminal appeal is disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)

(V. K. JADHAV, J.)

vsm/-