

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.2562 OF 2021

Sandip Dune	...	Petitioner
Versus		
State of Maharashtra	...	Respondent

Mr. Nikhil Pawar for the Petitioner.
Mr. J.P. Yagnik, APP for Respondent-State.

**CORAM : PRASANNA B. VARALE &
S. M. MODAK, JJ.**

DATE : 21 APRIL 2022

P. C. :

. Not on board. Taken on board.

2 Learned Counsel for the Petitioner submits that though he is not having full instructions, on instructions received by him, the grievance of the Petitioner is of non decision on an application. Considering the submission of learned Counsel and the reference made to the fact in praecipe, namely, FIR No.02 of 2016 for an offence on 29 August 2016 and in proceedings, namely, Sessions Case No.1 of 2017, the Petitioner accused submitted an application to the learned Special Judge, Baramati for N.M.R. (Nuclear Magnetic Resonance) Test of the contraband articles/ reserved substance. The application was submitted to the Court on 3 July 2020. Till the date of filing the Petition before this Court, the Petitioner was not aware as to whether sample was forwarded to the concerned laboratory, whether the test was conducted, whether report was received and as there was no decision on the application for a considerable period,

the Petitioner left with no choice, but to approach this Court and file the present Petition. A copy of the Application is annexed to to the praecipe. Perusal of the application show that the Petitioner-under trial submitted in the application that prior to application dated 3 July 2020, an earlier application was also submitted and inspite of submitting two applications, there was no decision.

3 Considering this limited grievance being raised in the Petition, we deem it appropriate to dispose of the Petition with following directions to the Learned Special Judge, Baramati, conducting N.D.P.S. Case No.1 of 2017 :-

- (i) to verify whether the Applicant had submitted two applications.
- (ii) whether such applications were submitted to the Court.
- (iii) when such applications were submitted to the Court, any steps are taken, so as to forward materials/substances to the concerned laboratory. Whether report is received and on verifying all these aspects, if the applications are reached for hearing and decision.
- (iv) the learned Judge to decide the applications on its merits as expeditiously as possible and not later than four weeks from the date of receipt of the Order of this Court.

4 An authenticated copy be supplied to the learned Counsel for the Petitioner and learned APP for the State.

CHITTEWAN

5 Registry is directed to forward a copy of this Order to the concerned Court. Learned APP to also forward a copy of this Order to the counterpart attached to the Special Court, Baramati.

6 With these observations/directions, the Petition is disposed of.

RAJESH
VASANT
CHITTEWAN

Digitally signed
by RAJESH
VASANT
CHITTEWAN
Date: 2022.04.25
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(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)