

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

WRIT PETITION NO. 2476 OF 2021

Prashant Prasad Rao

... Petitioner

Versus

The State of Maharashtra

... Respondent

Ms. Saswati Deb for the Petitioner.

Mrs. M.M. Deshmukh, APP for the Respondent – State.

**CORAM : REVATI MOHITE DERE &
V. G. BISHT, JJ.**

DATE : 29th June, 2022

P. C. :

1. Heard learned Counsel for the parties.
2. By this petition, filed through jail, the petitioner seeks the following reliefs :

(a) appropriate directions be passed to Special MCOCA Court, Court Room No. 21, Mumbai Sessions Court to conduct the trial in the present case on day-to-day basis as provided for under Section 309 of the Cr.P.C.

(b) directions be passed to the Special MCOCA

Court, to ensure the presence of the present Petitioner in Court, on all the scheduled hearing dates, as provided for under Section 273 of the Cr.P.C. and also as laid down in Article 21 of the Constitution of India.

(c) appropriate directions be passed to the trial Court to conduct the trial in a time bound manner, with specific directions to complete the trial in not more than two months.

3. Learned APP has tendered a report dated 27th June, 2022 of the Senior Police Inspector, D.N.Nagar Police Station, Andheri, Mumbai. The same is taken on record.

4. It appears from the report, that about 17 witnesses have been examined till 24th June, 2022 and that about 7 more witnesses are yet to be examined.

5. Learned APP assures that the prosecution will take all appropriate steps to keep the said 7 witnesses present on the dates given by the trial Court. She also assures that the appellant will

either be produced before the trial Court or will be produced through video conferencing, as may be directed by the trial Court.

6. Considering the fact, that the appellant is languishing in custody since 2011/2012 and only 7 witnesses are left to be examined, we direct the learned Special Judge, MCOCA Court to conduct the trial on day-to-day basis and dispose of the case as expeditiously as possible and in any event within two months from the date of receipt of this order.

7. The petition is disposed of in aforesaid terms.

8. A copy of this order be sent to the appellant by the Registry through the Jail Superintendent, Talaja Central Prison, Navi Mumbai.

9. Registry to also send a copy of this order to the learned Special Judge, MCOCA Court, who is seized of the proceedings in Sessions Case No.09 of 2012, through a special messenger/ fax.

10. All parties to act on the authenticated copy of this order.

V. G. BISHT, J.

REVATI MOHITE DERE, J.