

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

48 CRIMINAL WRIT PETITION NO.124 OF 2023

**VILAS BAPURAO CHAVHAN
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mrs. Sunita G. Sonawane, Advocate for the petitioner
Mr. S. R. Yadav-Lonikar, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 29th MARCH, 2023

P. C.

1. This petition is by original accused facing the trial in the Special Case No.39/2016 for the offences punishable under Sections 376(2)(I)(n) of the Indian Penal Code and Sections 3(1)(xi)& (xii) and 3 (2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act where the victim is deaf and dumb. The case is of 2016. Now evidence of some witnesses is over. At this stage, the prosecution has filed an application praying for the court to direct the Investigating Officer to record the statement of the victim under Section 161 of the Cr. P. C. The learned District and Sessions Judge, Jalna was pleased to allow the application by order dated 17-11-2022.

2. It is the case of the petitioner that already a statement of victim is recorded by using sign language with the help of a special teacher and thus no fresh statement is required. The accused was in jail for last two and half years and now he was granted bail by order dated 28-06-2018. Only apprehension of the petitioner is that the trial would be prolonged if now statement is to be recorded.

3. This court finds that care can be taken by directing the learned District and Sessions Judge, Jalna to complete the trial as early as possible. Hence, the following order:-

ORDER

a] The Learned District and Sessions Judge, Jalna is requested to complete the trial in Special Case No. 39/2016 as early as possible and preferably within a period of 9 months from today.

b] With this, petition stands disposed off.

[KISHORE C. SANT, J.]