

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

16 CRIMINAL WRIT PETITION NO.408 OF 2023

SITARAM RAMCHANDRA CHAVAN
VERSUS
MUKESH VIKAS VHIRODKAR AND ANOTHER

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Advocate for Petitioner : Mr. Swapnil Shashikant Patil
APP for Respondent – State : Mr. S.W. Munde
Advocate for Respondent No.2 : Mr. Girish V. Wani

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CORAM : R. M. JOSHI, J.
DATE : AUGUST 28, 2023

PER COURT :

. This petition is filed taking exception to the orders dated 24.02.2022, 13.10.2022 and 14.11.2022 passed by learned Judicial Magistrate First Class, Jalgaon in SCC No.7665 of 2017 and order dated 02.02.2023 passed by the learned Additional Sessions Judge, Jalgaon in Criminal Revision Application No. 136 of 2022.

2. During the course of hearing of the petition, it is found that the main grievance of the petitioner is that the proceedings are delayed and though he is aged about 81 years, he is required to attend the proceedings on each date of hearing. On this issue, it is submitted by the learned counsel for the respondents that the

proceedings are at the stage of recording of the statement of the accused under Section 313 of the Code of Criminal Procedure and that for the said purpose his presence is required.

3. From perusal of the record, it does not indicate that the orders impugned require any interference. However, considering the age of the petitioner his presence is exempted before the Trial Court except for recording his statement under Section 313 of the Cr.P.C. Similarly, by consent of both the sides, learned Trial Court is directed to decide the proceedings bearing S.C.C. No.7665 of 2017 on merits, within three months from today.

4. The petition stands disposed of in the aforesaid terms.

[R. M. JOSHI]
JUDGE

GGP