

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1373 OF 2023

IN

CRIMINAL WRIT PETITION NO. 435 OF 2023

ARUNA W/O VISHWAS SHINDE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Adv. Kulkarni Rashmi S.

APP for State/Respondent No.1 : Smt. D. S. Jape

Advocate for Respondent Nos. 2 to 6 : Mr. Ladda Somnath G.

...

CORAM : KISHORE C. SANT, J.

DATE : 5th APRIL 2023.

Per Court :

Heard. Not on board. Mentioned. Taken on Board.

1. This Court by order dated 20.03.2023 had directed the prosecution to start argument in the Sessions Case No.153/2015 pending in the Court of learned Sessions Judge, Aurangabad. Today this application is moved informing that Mr. Nimbalkar, learned Special Prosecutor, who is engaged to argue the matter is tested positive for

Covid on 03.04.2023 and is advised to take rest at-least for ten days. It is informed that time be given to argue the matter on 24.04.2023. However, looking to the fact that the matter is already time bound and is to be disposed off, this Court finds that the time be kept to start the argument and to explore the possibility.

2. Mr. Ladda, learned Advocate for respondent nos. 2 to 6 has an objection against this application and submits that his clients are in jail since 2015 and accused should be given a chance to start with the argument first, so that the matter can be concluded at the earliest. He submits that the Prosecution can address the Court after the argument of defence is over.

3. In view of the above, this Court expressed of the Special Public Prosecutor to start argument on 17.04.2023, so that the matter can be decided by 20.04.2023. This order is passed only looking to the unusual circumstances, those are on record. However it is made clear that the learned Sessions Judge ensures that both the parties get sufficient opportunity to address the Court and if the deadline crossed,

he may even consider the same.

4. With this, the Criminal Application is disposed off.

[KISHORE C. SANT, J.]

Najeeb.