

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

CRIMINAL APPLICATION NO.1797 OF 2023

Sardar Khan Namdar Khan Pathan & ors. ... APPLICANTS

VERSUS

The State of Maharashtra & anr. ... RESPONDENTS

.....
Mr. S.V. Suryawanshi, Advocate for applicants
Mr. R.B. Bagul, A.P.P. for State
.....

**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.**

DATE : 19th JUNE, 2023

ORDER :

Heard. The F.I.R. dates back to January 2018. The charge sheet has been filed the same year. As such, the applicants have approached this Court five years after filing of the charge sheet. This delay itself is sufficient for rejecting the application at the threshold.

2. It is informed by the learned counsel for the applicants that the co-accused (husband of the informant) is absconding and, therefore, the trial is delayed, requiring the applicants to appear before the trial Court on each and every date. If such is the situation, the trial Court may have recourse to Section 317 of the

Code of Criminal Procedure and separate the trial so far as regards the absconding accused is concerned. The trial Court shall decide the case within a time-frame of six months from the date of receipt of copy of this order.

3. If the applicants move an application for exemption of appearance before the trial Court, the same shall be considered sympathetically, granting them even permanent exemption and requiring them to appear as and when required by the trial Court.

4. With these observations, the Criminal Application stands disposed of.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

fmp/-