

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO.461 OF 2023

Nikhil Ashok Deokar

.. Appellant

Versus

The State of Maharashtra and another

.. Respondents

...

Mr. Shyam C. Arora, Advocate for the appellant.

Mrs. V. S. Choudhari, APP for respondent No.1 – State.

Mr. U. M. Maske – Patil, Advocate for respondent No.2. (Appointed)

...

**CORAM : SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.**

DATE : 7th July, 2023

ORDER :-

. After hearing learned Advocate for the appellant and also taking note of the progress report by the learned Special Judge; when we showed disinclination to grant relief, learned Advocate for the applicant, on instructions, prays for withdrawal of appeal, however, he submits that the interest of the appellants be protected as earlier when he had approached in Criminal Appeal No.447 of 2022, which came to be withdrawn on 01.06.2022, this Court had given liberty to approach this Court, if the trial does not get over within six months. There is no progress in the trial.

2. The appeal can be allowed to be withdrawn and taking into consideration the course adopted by the earlier Bench, liberty needs to be given. Hence, the following order :-

ORDER

I) The appeal stands disposed of as withdrawn with liberty to the appellant to move an application for bail afresh before the trial Court in the event if the trial does not conclude within eight months from the date of this order.

II) We direct the learned Special Judge, under the Atrocities Act/ District Judge-3 and Additional Sessions Judge-2, Hingoli, to expedite Special Case No.24 of 2022 and dispose it on merits within a period of eight months from the date of this order. She may fix the schedule of the trial day to day, if require.

III) Learned Registrar (Judicial) to communicate the order immediately to the concerned Court.

IV) Fees of learned Advocate, who is appointed to represent the cause of respondent No.2, is quantified at Rs.5,000/- to be paid by High Court Legal Services Sub Committee, Aurangabad.

[ABHAY S. WAGHWASE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm