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

BAIL APPLICATION NO.1752 OF 2022

RAGHUNATH JAGANNATH SAROVAR
VERSUS
THE STATE OF MAHARASHTRA

Mr. Rahul R. Karpe, Advocate for applicant;
Mr. K. S. Patil, A.P.P. for respondent/State

CORAM : S. G. MEHARE, J.

DATE : 10th JANUARY, 2023

PC.

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. The applicant has been roped in a serious offence of murder. However, he is 80 years old. His earlier bail application was rejected.
3. The learned counsel for the applicant has produced copies of *Roznama*, which are taken on record and marked as Exhibit 'A', for identification. It reveals from the *Roznama* that the proper stages of trial in the Sessions Case have not been followed. Before framing the charges, the Court has to ascertain whether the chargesheet is complete by all means and whether the muddemal property is deposited. It seems that the chargesheet has been accepted without producing the muddemal property with the muddemal Clerk. It also

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does not appear that the learned Public Prosecutor has submitted the sessions program with the list of witnesses to be examined. The notice under Section 294 of the Code of Criminal Procedure, also appears to have not been given by the learned Public Prosecutor. These procedure appears to have not been followed by the learned Additional Sessions Judge. The Code of Criminal Procedure and the Criminal Manual prescribe the entire procedure, how to conduct the Sessions trial, but it seems that the Court has did not take care of. The Court must be serious with the Sessions trial and the relevant procedure and practice shall be observed.

4. In the present case, *Roznama* shows that around six months took to frame the charges. The charge can be framed even in the absence of the accused by producing them on video conference and the charges may be sent to the jail for obtaining their signatures, but this practice also appears to have not been adopted by the learned Additional Sessions Judge. After framing the charge, the next stage would be recording of the evidence, but the *Roznama* shows that the case was adjourned for muddemal. The Court went on giving dates for four months for muddemal. Then, the stage was changed and the case was adjourned for report. On 29.07.2022, the case was adjourned for evidence.

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5. One of the accused in the trial is 80 years old. His trial should have been taken on priority as he is a senior citizen. It appears that on every date, the learned Public Prosecutor was filing application for issue of witness summons. This Court is not satisfied with the practice and procedure followed by the learned Additional Sessions Judge at Vaijapur.

6. The offence is serious. The earlier bail application of the applicant was rejected. There is no change in circumstances, except no progress in the trial. All the accused are behind bar. Hence, the learned Additional Sessions Judge, Vaijapur, is directed to conduct the trial strictly as per the prescribed procedure and practice and dispose of the trial within six months from the date of receipt of this order, provided all the parties should co-operate with the Court.

7. With the above directions, the application stands disposed of.

(S. G. MEHARE, J.)

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