

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

46 CRIMINAL WRIT PETITION NO.1572 OF 2022

**RAHUL SHANKARRAO WADHAVE
VERSUS
THE STATE OF MAHARASHTRA**

Ms. Priyanka P. Shinde, Advocate for the petitioner
Mr. Joslyn Menezes, Advocate for respondent No. 2
Mr. P. N. Kutti, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 29th MARCH, 2023

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1. Heard the learned advocates for the parties.
2. This petition is received by the court through jail and thereafter a proper petition is presented before this court.
3. The petitioner had challenged the order of framing of charge and prayed for quashing and setting aside the impugned order on the ground that he was not given fair opportunity before framing of the charge and he was not heard by the court.

4. Learned advocate for respondent No.2 and learned APP have produced on record copy of roznama which show that already on the date of framing of charge the petitioner was very much present in the court and on that day the application was filed below Exh.16 and same was rejected. Plea was recorded where accused pleaded not guilty. However, the petitioner refused to put signatures on the plea. Further it is pointed out from the roznama that on all the dates the accused was present physically before the court or by way of video conferencing. Thus, on the date of framing of charge, he could have filed an application for discharge before framing of the charges however he has not done so. From the petition it appears that the petitioner is filing some other application or filing pursis and that even twice presiding officer is changed. Twice file is transferred from one presiding officer to another officer. In this case, the case is sensitive under POCSO Act and therefore, complainant- informant has brought on record the conduct of the petitioner. The learned advocate for the respondents has also

pointed that the observations made by the Special Judge on bail application. Even the learned Special Judge in order dated 06-06-2022 has recorded observations that the petitioner is not allowing the trial to proceed by filing some of the other application on each and every date and not proceeding with the matter.

5. From the conduct of the petitioner it appears that he is trying to prolong the matter. There is no substance in the petition. Though the learned advocate for the petitioner submits that the petitioner has no interest to prolong the matter as he is in jail and he is simply trying to ventilate the grievances for fair justice.

6. This court finds that it would be in the interest of the petitioner to cooperate in the trial since he is in jail. This petition can be disposed off with a request to the trial court to dispose off the trial as early possible. Hence, the learned trial court is requested to dispose off the trial as early as possible and

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preferably within a period of 9 months from today.

7. With this, the petition stands disposed off.

8. Learned advocate for the petitioner was appointed through Legal Aid. Looking at her efforts taken in the matter, her fees is quantified Rs.7,500/-.

[KISHORE C. SANT, J.]

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