

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

BAIL APPLICATION NO.2101 OF 2022

**SHAHIR NANA ASHTUL
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Applicant : Mr. S. S. Jadhavar
APP for Respondent: Mr. S. P. Deshmukh
Advocate for respondent No.2 : Mr. R. M. Deshmukh
(appointed Through Legal Aid)

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CORAM : S. G. MEHARE, J.

DATE : 01.03.2023

PER COURT :

Heard the learned counsel for the applicant, the learned A.P.P. for respondent No.1/State and the learned counsel for respondent No.2/original complainant.

2. Perused the progress report of learned Extra Joint District Judge & Additional Sessions Judge, Osmanabad.

3. The report reveals that the matter was adjourned either for the absence of the witnesses, failure of the Advocate for the accused to conduct the case or seeking adjournments though witnesses were present. The accused was also not produced on few dates.

4. The victim's cross-examination has been commenced. The overall report reveals that the matter was adjourned either at the request of the Advocate for accused or learned A.P.P or for the absence of the witnesses. One of the statements in the report reveals that Advocate for the accused sought a long adjournment. The Court has also reported that "any how all the dates are to be adjusted as per availability of the learned Advocate for the accused and that are considered and dates are given accordingly."

5. In fact, accommodating the advocates is not a good practice. The Court has to conduct its business as per the law and not supposed to accommodate the lawyer every time. The law is very specific that whenever a lawyer cannot appear before the Court he has to make an alternate arrangement. The lawyer's responsibility is equally important. He is supposed to conduct the Sessions case without adjournemnt. Overall report reveals that everybody is responsible for delay, but the fact remains that the case is pending since 2020. Hence, the learned Extra Joint District Judge and learned Additional Sessions Judge, Osmanabad is directed to complete the trial within four months from the date of receipt of this writ. The prosecution is directed to produce all the witnesses and no adjournments shall be granted to the

counsel for the accused, except for the exceptional reasons. If the counsel for the accused would not support the prosecution, the Court may ask the accused to cross-examine the witnesses. The trial should be conducted strictly as per the provisions of the law.

6. With the above direction, the application stands disposed of.

7. The Secretary, High Court Legal Services Sub- Committee, Aurangabad do pay the fees to the learned counsel appointed for the respondent No.2/complainant, as per the schedule.

(S. G. MEHARE)
JUDGE

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