

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 888 OF 2023

Malwan Balu Tembre

..Petitioner

Versus

State of Maharashtra

..Respondents

Mr. Sagar S. Tambe (Appointed Advocate) for Petitioner.
Mr. Arfan Sait, APP for State/Respondent No.2.

CORAM : SARANG V. KOTWAL, J.
DATE : 4 AUGUST 2023

PC :

1. This petition is sent through jail. There are two prayers made in this petition. The first is for making the trial time bound and the second prayer is for appointment of a legal aid counsel.

2. The petitioner was arrested on 13/02/2019 and is facing the trial vide Sessions Case No.270 of 2019 before the Court of Sessions at Thane. According to the petitioner, for the various reasons the Trial is getting delayed. The reasons which are mentioned in the petition are that, he was not produced regularly because of non availability of the escort, the public prosecutor not being available, the Judges being on leave, the Trial Court was

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busy in other cases, the prosecution not showing any urgency in producing the witnesses. He has also mentioned that his financial condition is very poor.

3. All these reasons are practical reasons and perhaps practical difficulties, but they cannot be the reasons for not proceeding with the trial expeditiously. The petitioner is in custody since 13/02/2019. Sufficiently long period has passed and the prosecution may not have shown the urgency in taking up the trial. Learned Trial Judge is also expected to see to it that the matters of the under trial prisoners are taken up on an urgent and priority basis.

4. Considering the submissions made by learned counsel for the petitioner and the prayers made in the petition, I am inclined to allow the petition in the following terms.

5. Hence, the following order:

ORDER

i) The Sessions Case No.270 of 2019 is expedited.

ii) The Trial Judge shall make effort to conclude the

trial within a period of one year from today.

- iii) The prosecution shall not take unnecessary adjournments and shall produce the witnesses regularly before the court.
- iv) The petitioner shall be produced on every date before the trial Court; unless prevented by a reasonable cause.
- v) The officer in charge of The Legal Services Authority of the court of Sessions at Thane shall appoint a suitable advocate from their panel to represent the petitioner.
- vi) With these observations, the petition is disposed of.

(SARANG V. KOTWAL, J.)