



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

**CRIMINAL WRIT PETITION NO. 1389 OF 2022**

Vishnu Rajaram Ramgude

...Petitioner

Versus

State of Maharashtra

...Respondent

Ms. Jai V. Kanade a/w. Mr. Rahul Shirgaonkar, Appointed for the  
Petitioner.

Ms. P. P. Shinde, APP for the State.

**CORAM : REVATI MOHITE DERE &  
GAURI GODSE, JJ.**

**DATE : 26<sup>th</sup> JULY 2023**

**P. C. :**

1. By this petition, sent through jail, the petitioner prays for expeditious disposal of his trial, which is pending before the Additional Sessions Judge, Court Room no. 5, Kalyan.

2. Learned counsel for the petitioner submits that although charge is framed, his trial is not being conducted, as the appointed Advocate is not appearing before the trial court, resulting in delay in the commencement of his trial. She submits

that the right to speedy trial is guaranteed under Article 21 of the Constitution of India and that the petitioner is languishing in jail for the last five years and seven months, with no prospect of his trial commencing.

3. Perused the petition and heard the learned counsel for the respective parties. It appears that the petitioner is in custody for five years and seven months. It appears that charge was framed in the said case on 2<sup>nd</sup> September 2021. According to the learned counsel for the petitioner, since the Advocate appointed for the petitioner in the trial court did not appear on the dates given by the trial court, trial could not progress.

4. In the facts, considering that charge is framed, learned Sessions Judge to ensure that the case concludes expeditiously. If the trial court is of the opinion and finds that the Advocate appointed to espouse the cause of the petitioner is not appearing on behalf of the petitioner in the trial court, it is always open for the trial Judge to appoint a new Advocate with sufficient experience of conducting trials, so that the appointed Advocate

can appear on behalf of the petitioner on the dates given by the trial court.

5. Learned APP also assures that the petitioner will be produced either physically or through video conferencing, as and when directed by the trial court, i.e on the dates given by the trial court.

6. Registry to communicate the said order to the learned Sessions Judge seized of the petitioner's case, being Session Case No. 401 of 2018 pending before the learned Additional Sessions Judge, Court Room No. 5, Kalyan.

7. Copy of the order also to be sent to the petitioner through the Superintendent, Kalyan District Prison.

8. With the aforesaid observations, petition is disposed of.

All parties to act on an authenticated copy of this order.

**GAURI GODSE, J.**

**REVATI MOHITE DERE, J.**