

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

CRIMINAL APPEAL NO.695 OF 2022

Hasan Jamir Shaikh Appellant
Versus
The State of Maharashtra
and another Respondents

Mr. Mithilesh Mishra, Advocate i/b. Gopal Bhosale for the Appellant.

Mr. V.B. Konde-Deshmukh, APP for the Respondent No.1-State.

Ms. Chaitali Deshmukh, Advocate (appointed) for the Respondent No.2.

**CORAM : SARANG V. KOTWAL &
MANISH PITALE, JJ.**

DATE : 11th JULY, 2023

P.C. :

1. Heard Shri Mithilesh Mishra, learned counsel for the Appellant, Mr. V.B. Konde-Deshmukh, learned APP for the Respondent No.1-State and Ms. Chaitali Deshmukh, learned appointed counsel for the Respondent No.2.

2. We have also perused the earlier order passed by another Division Bench of this Court, of which one of us (Manish Pitale, J.) was a party, in Criminal Appeal No.37/2021. That order was passed on 9.4.2021. Since that order, there is

absolutely no progress in the trial.

3. Learned counsel for the Appellant submits that in all there are three accused, out of whom two accused are absconding and, therefore, the trial is not proceeding further. In that case, some directions may be issued to the trial Court. He submitted that if the trial is directed to be decided within a reasonable period then he is not pressing this Appeal at this stage.

4. Learned APP, on instructions, states that if the trial is separated, the prosecution can make the witnesses available immediately so that the trial can be decided within a time bound manner.

5. Considering both these submissions, we are inclined to pass directions to the trial Court to separate the Appellant's trial and to make it time bound. When we expressed our inclination, learned counsel for the Appellant did not press this Appeal at this stage.

6. Hence, the following order:

:: O R D E R ::

- i. The trial of the present Appellant be separated from the other two absconding accused.
- ii. The Appellant's trial be independently conducted expeditiously and as far as possible shall be concluded within a period of four months from today, in accordance with law, without being influenced by withdrawal of this Appeal.
- iii. In case, the trial is not so concluded, the Appellant is at liberty to renew his prayer for bail.
- iv. It is made clear that the accused i.e. the Appellant and the prosecution shall cooperate with early disposal of the trial.
- v. The Appellant shall be regularly produced before the trial Court on every date of the trial.
- vi. With these observations, the Criminal Appeal is allowed to be withdrawn and is disposed of as such.

PRADIPKUMAR
PRAKASHRAO
DESHMANE

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(MANISH PITALE, J.)

(SARANG V. KOTWAL, J.)