

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

BAIL APPLICATION NO. 1950 OF 2022

Parasmal Tarachand Badala (Jain)	... Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Tabish Mooman a/w. Ms. Aditi Katnekar for the Applicant (A4).
Mr. A.H. Ponda, Senior advocate a/w. Mr. Harshad Nimbalkar and
Mr. Bhushan Mahadik i/b. M/s. Mahadik and Associates for
Accused No.1.
Mr. R.M. Pethe, APP for the State.
Mr. Ejaz Khan, Special PP for CBI – Respondent No.2.
Ms. Neha Sule i/b. Neha Sule and Associates for Accused Nos.2,
3 and 9.
Ms. Nikita Pawar for Accused Nos.5 to 8.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 07th JULY, 2023.

P. C. :-

. This is an Application under section 439 of Cr.PC. filed by the aforesaid Applicant who has been declared as an approver in Sessions Case No.1146/2013 pending on the file of learned Additional Sessions Judge, Greater Mumbai.

2. Heard learned senior counsel for the Applicant, learned APP for the State and learned counsel for the Intervenors. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. Learned counsel for the Applicant had made a statement that the Applicant who is an approver, is in custody since last 13 years. In view of the said statement, this Court by order dated 08/06/2023, had directed the learned Sessions Judge to conclude recording of cross-examination of the Applicant-approver within a period of three weeks from the date of the order and if need be, to take the case on day-to-day basis. Order dated 30/06/2023 also records that the Applicant who is an approver, is in custody since last 13 years and the cross-examination is still in progress. This Court had directed the learned Judge to conclude the cross-examination of the approver as expeditiously as possible by taking the matter on day to day basis.

4. Mr. Nimbalkar, learned counsel for the accused no.1 has brought to my notice that the Applicant was earlier in custody as an accused and that he was declared as an approver only in December, 2019, after recording evidence of all the witnesses. This fact was not brought to my notice when the previous orders dated 08/06/2023 and 30/06/2023 were passed.

5. Learned counsel who are representing the Accused Nos.1, 2, 3

and 9 and 5 to 8 before the Sessions Court have stated that it is not possible to take up the matter on day-to-day basis. They have filed an undertaking on behalf of these accused stating that all the accused will conclude cross-examination of the Applicant – approver within a period of three months from the date of the order and that they shall not seek extension of time beyond three months.

6. In the light of said statement, orders dated 08/06/2023 and 30/06/2023 directing the learned Sessions Judge, Mumbai to conclude recording of the cross-examination within three weeks, by taking up the matter on day-to-day basis, are hereby modified. The learned Sessions Judge, Mumbai is directed to conclude recording of the evidence of the Applicant – approver as expeditiously as possible and in any event within a period of three months from the date of receipt of the order, without seeking further extension.

7. Application stands disposed of in above terms.

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JAYANI

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(SMT. ANUJA PRABHUDESSAI, J.)