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

**CRIMINAL WRIT PETITION NO. 4494 OF 2022**

Rahul @ Pritipal Ramkishan  
Yadav

...Petitioner

Versus

State of Maharashtra

...Respondent

Ms. Janhavi S. Karnik, Appointed for the Petitioner.

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

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

**DATE : 20<sup>th</sup> JULY 2023**

**P. C. :**

1. By this petition, sent through Jail, the petitioner seeks expeditious disposal of his cases as well as his production before the Courts where his trials are pending.

2. It appears that there are three cases pending against the petitioner:

(i) C.R. No. I-271/2014 registered with the Bhiwandi Taluka Police Station, Thane i.e. which has culminated into Sessions Case No. 216 of 2015 and is pending before

the learned District and Sessions Court, Thane. In the said case it appears that two witnesses have been examined;

(ii) C.R. No. I-180/2014 registered with Virar Police Station which has culminated into Sessions Case No. 91/15 and is pending before the learned Additional District and Sessions Court, Vasai. It appears the evidence in the said case has also commenced;

(iii) C.R. No. I-21/2014 registered with the Valiv Police Station which has culminated into Sessions Case No. 90 of 2015 and is pending before the learned Additional District and Sessions Court, Vasai. It appears that the evidence has also commenced in the said case.

3. It appears that the petitioner is in custody for more than eight years in all the aforesaid cases and his trials are pending before the respective courts.

4. The grievance of the petitioner is that he is not being produced before the said courts either physically or through

Video Conference. He has also prayed for expeditious trial before the Sessions Court.

5. On the last date, we had directed learned APP to file affidavit of the respective authorities who would ensure that the petitioner is produced in person or through video conferencing before the learned Judges, before whom the cases are pending as may be directed by the said courts.

6. Pursuant thereto, learned APP has tendered affidavit of Shri Bhosale Rajaram Ravsaheb, Superintendent, Kalyan District Prison, Class-I, Adharwadi, Kalyan (West), District-Thane dated 18<sup>th</sup> July 2023. In the said affidavit, Shri Bhosale has stated that the petitioner was produced before the District Judge No. 2 and Additional Sessions Judge in Sessions Case No. 216/2015 at Thane as per the dates of hearing given by the said court and subject to availability of police escort from Thane Rural police headquarters. A chart is produced alongwith the affidavit. It appears from the said chart that due to non-availability of escort on several occasions, the petitioner was not produced.

7. As far as Sessions Case Nos. 90/2014 and 91/2014 are concerned, the petitioner has been produced before the said courts on all dates. It is however mentioned in the affidavit, that since police escort is not available, either due to bandobast or for any other reason the authorities are not able to produce the petitioner before the said courts.

8. It is further stated that there are 11 Video Conferencing Units in Kalyan District Prison for production of prisoners before the trial court at Thane, Kalyan and other places within and outside the state. Mr. Bhosale has assured that the petitioner will be produced before the concerned court on getting police escort and will also be produced through video conferencing, depending on the directions of the learned courts seized of the said three cases, in order to ensure speedy disposal of the petitioner's trials.

9. Ms. Sonali Prashant Dhole, Superintendent (Home), Thane Rural has also filed her affidavit dated 19<sup>th</sup> July 2023. In the said affidavit, Ms. S.P. Dhole has stated that whenever police escort is

sought by the authorities, they would provide the same. It is however stated at times due to police bandobast the petitioner could not be produced on certain dates. She has assured that steps will be taken to produce the petitioner on the date and time assigned by the trial court. Both affidavits are taken on record. The assertions made in the said affidavits are accepted.

10. Thus, we direct that the petitioner be produced before the courts as directed by the courts, either physically or through video conferencing on the dates given by the said courts.

11. As far as trial of the petitioner is concerned, the said C.R.'s are of 2014 and that the cases are pending before the said courts since 2015, and as such the petitioner is languishing in custody for the last eight years. It also appears that the evidence in all the three cases have commenced. Considering that the evidence has commenced, we direct the trial court to expeditiously decide the said cases.

12. Petition is allowed and disposed of in the aforesaid terms.

13. Registry to forward a copy of the order before the three courts, as stated hereinabove, for ensuring compliance of the same.

**GAURI GODSE, J.**

**REVATI MOHITE DERE, J.**