

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT NAGPUR, NAGPUR.

...

CRIMINAL APPLICATION (BA) NO. 2/2023

Sanjay s/o Punjaji Shendre

.. Applicant

versus

The State of Maharashtra

Th: Its PSO PS, Etapalli, Dist. Gadchiroli.

.. Respondent

.....
Mr.P.V. Navlani, Advocate for the applicant

Mr.I.J.Damle, APP for Respondent
.....

CORAM: ANIL L. PANSARE, J.

DATED : 27th March, 2023.

PC:

On 13th March 2023, the following order was passed :

“ On 3rd May, 2019 the following order is passed :

‘Heard.

Shri Tamane, learned Counsel for the applicant has submitted that the applicant is removed from service. He is resident of Bhatkuli, District Amravati. There is no possibility of tampering the evidence. Hence, he has prayed for allowing the applicant and granting bail to the applicant.

Shri Chutke, learned APP has strongly objected the application.

The applicant was working as Constable in CRPF. In the night of incident, the applicant was sleeping with the deceased and injured on their respective beds in the same same barrack. On the previous day there was quarrel between the applicant and the deceased. In the night, the applicant fired two rounds on the abdomen of deceased Vilas Sankpal and one round on the leg of injured Ingale. Thereafter, the applicant tried to hide himself behind the generator in the camp. Sub Inspector, CRPF

Battalion Camp Etapalli, District:Gadchiroli has lodged the complaint. There are eye witnesses to the incident. Charge-sheet is already filed.

In view of the aforesaid facts the application is rejected. Learned trial Court is directed to expedite the trial and dispose of within a period one year from the date of receipt of this order.'

2. *The learned counsel for the applicant submits that the trial is going on in snail's speed and only seven witnesses have been examined. He further submits that the trial Court has not sought extension of time.*

3. *In view of the above, let the learned Judge of the trial Court files report on the above points.*

4. *Stand over to 27.3.2023."*

2. Pursuant to the aforesaid order, the learned Additional Sessions Judge, Gadchiroli, has submitted a report which runs into seven pages. Multiple issues have been put forth for not completing the trial in time, which includes health issue, failure of predecessor to conduct the trial, additional charge of the Court, surge of COVID-19 cases, poor attendance of witnesses etc. The learned trial Judge has then assured that the trial will be completed as expeditiously as possible and, in any case, within one year as directed by this Court.

3. As such, the directions issued on 3rd May 2019 have not been complied with. Nonetheless, considering the issues put forth by the learned trial Judge, it will be appropriate to extend the time by nine more months.

4. One of the grounds for non-completion of trial is poor attendance of witnesses. It appears that he learned Judge had issued 3 to 4 summons on each date of the trial, but the witnesses were not produced. It will be therefore be appropriate for the Superintendent of Police, Gadchiroli to ensure prompt service of summons to the witnesses. With the above directions, the time to conclude the trial is extended by nine months from today.

5. The Superintendent of Police, Gadchiroli as well as the Investigating Officer shall ensure prompt service of summons to the witnesses. The learned trial Judge shall not adjourn the matter unless extraordinary grounds are made out.

6. Liberty to the applicant to approach afresh for bail if substantial progress is not achieved in nine months, except where the slow progress of trial is attributed to the applicant. The instant application is disposed of in the above terms.

7. Copy of this order be communicated to the learned trial Judge as well as the Superintendent of Police, Gadchiroli.

[ANIL L. PANSARE, J.]

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