

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

CRIMINAL WRIT PETITION NO.59 OF 2023

[Sanjay S/o Yashwantrao Yelwe (Patil) and Ors. .V/s.. The State of
Maharashtra and Anr.]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri A. S. Band, Advocate for the Petitioners.
Shri S. S. Doifode, Addl. P. P. for the Respondent No.1/State.

CORAM : VINAY JOSHI AND VALMIKI SA MENEZES, JJ.

DATE : 7th FEBRUARY, 2023.

. Having regard to the limited prayer for expediting the trial, we have dispensed with notice of Respondent No.2 (informant), who has actually no role as regards to the prayer made in the petition.

2. Heard Shri Band, learned Counsel for the Petitioners and Shri Doifode, learned Additional Public Prosecutor for the Respondent No.1/State.

3. The Petitioners have been arraigned as accused in Regular Criminal Case No.1168 of 2014, pending on the file of Judicial Magistrate First Class, Nagpur. It is the Petitioners' urge that since last nine years, the case is pending and there is no effective progress, hence direction be issued to the Trial Court for expediting the trial.

4. We have perused the entire Roznama with the assistance of both sides. Initially, Trial Court has framed charge for the offence punishable under Sections 341, 365 and 143 of the Indian Penal Code, 1860. Prosecution led evidence of six witnesses, followed by recording statements of accused in terms of Section 313 of the

Code of Criminal Procedure and hearing of final arguments of both sides. At this stage, the informant has applied for addition of charge, which was initially rejected, but Revisional Court has allowed the said application on 06.12.2019. In consequence, additional charge for the offence punishable under Section 342 of the IPC was framed on 26.12.2019.

5. Since additional charge has been framed, summons was issued to all the witnesses. The record indicates that time and again, the efforts have been made to secure the presence of witnesses, but for one or other reason, the matter has been adjourned. The Roznama reveals that some of the witnesses have been re-examined, but the rest have not appeared. We have also taken note that on some dates, the Applicants (accused) also remained absent, which has caused hindrance into the progress of the trial.

6. In view of above, the learned Magistrate is directed to take all necessary steps to secure the presence of witnesses by resorting all available modes permissible under law. If it is found that some of the accused are remained absent without reason, then the Magistrate is at liberty to take necessary steps to that effect. With above direction, learned Magistrate is directed to expedite the trial and dispose the same within six months from today.

7. Criminal writ petition stands disposed. Office to inform the concerned Court accordingly.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)