



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

903 CRIMINAL WRIT PETITION NO. 1687 OF 2024

SUNIL S/O MOTIRAM MEDHE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for the Petitioner : Mr. Lipne Amol Dinkarrao
APP for Respondent/State : Mr. S.A.Gaikwad
...

CORAM : SMT. VIBHA KANKANWADI &
ROHIT W. JOSHI, JJ.

DATE : 19.12.2024.

PER COURT :

1. We had gone through the report submitted by the learned Special Judge, Ahmednagar under the Anti Corruption Act, which was in response to our order dated 21.10.2024. It was specifically stated that 15 witnesses have been cited in the charge-sheet and the prosecution has not taken any effective steps to secure the presence of the witnesses. Thereby, we had orally directed learned App in this matter to get the written communication from Additional Prosecutor, who is handling the Special Case bearing ACB No. 11 of 2016. Accordingly a letter

Exhibit "A" dated 18.12.2024 is placed on record. Perusal of the said letter would certainly support the statement of learned Special Judge that the prosecution has absolutely not taken effective steps to secure the presence of the witnesses. However, now learned Additional Public Prosecutor states that the prosecution intends to examine five witnesses and not the 15, as stated in the charge-sheet. It appears that the Complainant had left the address but now in the mean time fresh address was found out, on which a summons was issued but the report that could not be found. It is stated that on 11.12.2024 an application for re-issue of summons, on the new address has been given and the matter is kept for hearing on 07.01.2025.

2. The matter, that too of Anti Corruption, against the petitioner, who is a Government Servant, is pending since 2016. However, accused has a constitutional right for speedy trial and it can be seen from the present case that the prosecution has not taken any effective interest. Taking into consideration the period that has gone, we take this to be an exceptional case and take Exhibit "A" as an undertaking on behalf of prosecution,

wherein, it is stated that the prosecution would fully cooperate the learned Special Judge and would take effective steps for securing presence of the witnesses. We expedite the trial of the Special case No. ACB 11 of 2016 and direct the Special Judge to conclude the trail by the end of June, 2025. The learned trial Judge may keep the matter day to day and if the presence of the Complainant is not secured, then may proceed with the other witnesses by keeping the option open to examine the Complainant whenever, he is found. With these directions the Criminal Writ Petition stands disposed off.

3. The Registrar, (Judicial), of this Court to send a copy of this order to the concerned Judge, as well as letter Exhibit "A" to the Special Judge, Ahmednagar.

(ROHIT W. JOSHI)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE