

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.406 OF 2024

Mangala W/o. Dilip Shewalekar

.. Applicant

Versus

The State of Maharashtra

.. Respondent

.....

- Ms. Meera Barge, Advocate for Applicant.
- Ms. Sangita Phad, APP for Respondent – State of Maharashtra.

.....

CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 22, 2024

P.C.:

- 1.** Mentioned. Not on Board. Taken on Board.
- 2.** Heard Ms. Barge, learned Advocate for Applicant and Ms. Phad, learned APP for Respondent – State of Maharashtra.
- 3.** Perused the praecipe dated 22.11.2024 and the Criminal Application.
- 4.** This is an Application filed under Section 407 of Criminal Procedure Code, 1973 (for short ‘Cr.P.C.’) seeking transfer of pending proceedings namely Special Case ACB No.14 of 2012 before District Judge – 10 and Additional Session Judge, Nashik to any other Court on sole ground that offence was registered as far back as in the year 2011 and till date one witness has been examined by the Court and the trial is not proceeded further. All that the Applicant seeks is expeditious disposal of the trial. Justice delayed is justice denied. That is the sole ground for filing the Application. Applicant is arraigned as Accused

No.1 and she is lady of 65 years of age as on date. In the interregnum she has also lost the company and support of her husband.

5. I have heard Ms. Barge and perused the ground on which the Application is filed. The Applicant is herself a retired Government Servant who because of her indictment in the said present Criminal case has been suffering. To allow the Application in terms of principal relief and to transfer the case to any other Court may not be and is not the appropriate solution in this case. I am of the opinion that this Court in the present Application which is filed under Section 407 read with Section 482 of Cr.P.C. can undoubtedly direct the concerned Trial Court hearing the trial to expedite and complete the trial expeditiously in the interest of justice and in view of the aforementioned timeline.

6. In view of the above observations and grounds made out in the Application, the learned District Judge – 10 and Additional Session Judge, Nashik seized of hearing Special Case ACB No.14 of 2012 is directed to dispose the said case as expeditiously as possible and in any event within a period of six months from today. If so required the trial should be proceeded on day to day basis in view of the exigency expressed by the Applicant before me, as also the lapse of time protracting the trial and the present age of the Accused No.1. Accused No.1 who is Applicant before me and any other Accused alongwith prosecution are directed to co-operate

and ensure that the trial is completed in the present case.

7. Needless to state that all contentions of the parties are expressly kept open without opining anything on merits of the matter.

8. With the above directions, Criminal Application No.406 of 2024 stands allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA
HANUMANT
SAWANT

Digitally signed
by HARSHADA
HANUMANT
SAWANT
Date: 2024.11.22
14:43:16 +0530