

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL WRIT PETITION NO. 3100 OF 2024

Shankar Laxman Salunkhe

.... Petitioner

Versus

State of Maharashtra

.... Respondent

Mr. Rahul P. Kasabekar, for the Petitioner.
Ms. Pallavi Dabholkar, APP, for the State/Respondent.
Mr. G. R. More, PSI, Valiv Police Station.

CORAM : R. M. JOSHI, J.

DATE : 25th SEPTEMBER, 2024.

P.C. :

1. This Petition is received from jail.
2. The Petitioner, Shankar Laxman Salunkhe is facing trial before Additional Sessions Judge, Vasai in Sessions Case No. 28/2016 for the offences punishable under Sections 302, 376(d), 366, 201, 323, 504 and 506 of the Indian Penal Code, 1860 [IPC]. The grievance of the Petitioner is that trial is not proceeded with, and as such he is required to languish in the jail without being tried.

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3. Learned appointed counsel for the Petitioner submits that the roznama recorded by the Additional Sessions Judge indicates that the proceeding was fixed for hearing on 7th February 2024 and the next date of hearing was granted after seven months i.e. 26th September 2024. He further pointed out that from the said roznama it indicates that the prosecution is unable to procure presences of witnesses and this according to him seems to be the reason for delay in trial. He, therefore, seeks appropriate direction to the concerned Court as well as to the prosecution for expedite trial.

4. Learned appointed counsel for the Petitioner submits that since the accused has not been produced before the trial Court for a long period of time, the same is creating hindrance in his defense for want of giving instructions to his advocate. It is therefore directed that the learned Sessions Court to issue appropriate directions to the concerned authority for producing the accused before him on the next date of hearing to enable him to give appropriate instructions to the advocate.

5. Learned APP, on instructions from the responsible officer makes statement that all endeavor shall be made to complete the trial within a reasonable time. It is sought to be submitted that some of the witnesses hail from Uttar Pradesh and as such their presence cannot be secured easily. She, however makes statement on instructions, that all steps shall be taken to

make sure that the witnesses are present before the Sessions Court on the scheduled date of hearing.

6. Considering the fact that the Petitioner was arrested in September 2015, he is within his right to seek expeditious disposal of his trial. In the circumstances, learned Additional Sessions Judge, Vasai is hereby directed to conclude the trial of Sessions Case No. 28/2016 expeditiously and in any case within a period of nine months from today.

7. It shall be responsibility of the prosecution to ensure that the witnesses are brought before the Court on the scheduled dates of hearing.

8. This Court appreciates the efforts taken by the learned appointed counsel. The Secretary, High Court Legal Services Authority is requested to ensure the appropriate fees is paid to the appointed counsel as per rules.

9. The Writ Petition stands disposed of.

(R. M. JOSHI, J.)