



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

CRIMINAL APPLICATION (APL) NO. 645 OF 2024

Vivek s/o Ramdas Buradkar

Vs.

State of Maharashtra, Thru. PSO, PS Avdhootwadi, (Wadgaon Raod), Yavatmal

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Vivek Awchat, Advocate for applicant.
Mr. I.J. Damle, APP for non-applicant/State.

**CORAM : VINAY JOSHI, AND
SMT.VRUSHALI V. JOSHI, JJ.**

DATE : 02.05.2024

Heard.

2. The applicant is accused No.1 in criminal prosecution namely RCC No.71/2017 pending on the file of JMFC, Yavatmal. The applicant seeks to quash the criminal prosecution on the ground of inadequacy of material and delay in holding a trial. It is informed that there are in all 23 accused and the case is still pending for appearance.

3. It is applicant's contention that he has filed an application for permanent exemption and also sought separation of trial but those applications have not been decided. A copy of note-sheet is produced showing that the matter is for appearance.

It reveals from the note-sheet that much time was exhausted in serving on summons then it appears that non-bailable warrant was issued against some of the accused. The applicant has a right of a speedy trial. The charge-sheet was filed in the year 2017 and till date, there is no progress. Perhaps, due to several accused, the trial Court was not in position to secure the presence of all so as to frame charge and proceed further.

4. So far as the ground of quashing on merits is concerned, we are not inclined to entertain the said ground after the lapse of seven years. Since the trial is a lingering for years together, we direct the trial Court to take all stringent steps to secure the presence of accused who are remaining absent and proceed with the trial. If the trial Court is unable to secure the presence despite sincere efforts then the trial Court shall consider the application filed by the applicant for separation of trial and proceed further in accordance with law.

5. The petition stands disposed of accordingly.

(SMT. VRUSHALI V. JOSHI, J)

(VINAY JOSHI, J)