



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

17 CRIMINAL APPLICATION NO. 252 OF 2021

YOSUF WAJID SHAIKH AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. Z.H. Farooqui Advocate for Applicants.
Mr. N.R. Dayama, A.P.P. for Resp. No.1.

...
CORAM: SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.

DATE : 8th JULY 2025

ORDER :

1. Heard learned Advocate for the applicants for a while. After disinclination is shown to grant any relief to the applicants, learned Advocate for the applicants, upon instructions, submits that he may be allowed to withdraw the Application with liberty to approach the learned Additional Sessions Judge, Ahmednagar before whom Sessions Case No.167 of 2017 is pending, and to file an application under Section 227 of the Code of Criminal Procedure. He also submits that according to his instructions, some of the accused persons have also filed applications under Sections 227 of the Code of Criminal Procedure for discharge and those applications have not been decided.

2. Certainly the FIR was filed in the year 2001 and the charge-sheet appears to have been filed in 2017. Under such circumstance, we expect the concerned Court to decide whatever applications have been filed, as early as possible and not to keep those applications pending. We also expect that the concerned Court to take decision for separation of the trial if some of the accused persons are not appearing and to give some solace to the accused persons who are appearing regularly before the Court. Mere pendency of the case is not therefore, the answer.

3. With these observations, we dispose of the Application as withdrawn. We give liberty to the applicants to move an application under Section 227 of the Code of Criminal Procedure, if not filed till today, within a period of three weeks from today and if such application is filed, then it should be decided by the concerned Court within a period of two months. We also direct the concerned Court to decide the pending applications within the aforesaid period.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE