



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

10 CRIMINAL WRIT PETITION NO. 234 OF 2024

NITIN SATISH THOKE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. N. Y. Chavan h/f Mr. Shinde D.M.

APP for Respondent/State : Mr.V.K. Kotecha

...

**CORAM : SMT. VIBHA KANKANWADI AND
ROHIT W.JOSHI, JJ.**

DATE : 8th JANUARY, 2025.

P.C.:

. Present petition has been filed for directions for disposal of the Sessions Case No.44/2021 pending before the learned IIIrd Additional Sessions Judge, Hingoli, for the offences punishable under Sections 302, 324, 323, 294, 504, 34 of the Indian Penal Code, in a time bound manner.

2. By order dated 20th February, 2024, the learned Registrar (Judicial) was directed to take instructions from the Judge presided over the trial and solicit a report as to how much time could be required for disposal of the case. Accordingly, we have received the report on 11th March, 2024. It appears that the said Presiding Officer got transferred to Hingoli in June, 2023. Prior to her taking over the said post, charge was framed and two witnesses were examined. It is however certain from her report that from June, 2023 till she submitted the report on 11.03.2024 only examination-in-chief of PW-3 has been

done. Even that examination-in-chief appears to not have been completed. There is absolutely no explanation as to why no progress has been given to the old matters.

3. Today, learned APP is producing the latest report from APP attached to the said Court and from the said report, it appears that there is a little bit progress. The entire evidence of PW-3 has been recorded and one more witness has been examined. However, as per the said report still 14 witnesses are yet to be examined and thereafter there might be the statement of the accused under Section 313 of the Criminal Procedure code, submission of evidence, if any on behalf of defence and the final arguments before the judgment is pronounced. Certainly the progress is very slow in the matter. However, taking into consideration the fact that the concerned Judge has 26 other matters of the under trial prisoners and other old cases, we dispose of this writ petition by giving directions to the trial Court before whom the Sessions Case No.44/2021 is pending to dispose of the said case within a period of eight months from today.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

sga