



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

21 CRIMINAL WRIT PETITION NO.204 OF 2025

BALASAHEB TUKARAM DESHMUKH

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. P.S. Dighe, Advocate h/f Mr. V.R. Dhorde, Advocate for applicant

Mr. V.K. Kotecha, APP for sole respondent

...

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

DATE : 07th MARCH, 2025

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

1 Present Writ Petition has been filed for directions to learned Special Judge, under PC Act, Nanded to conclude the trial in Special Case No.69/2021 in a time bound manner.

2 The petitioner, who is 60 years old person, is facing trial for the offence under Section 7 of the Prevention of Corruption Act. Learned Advocate appearing for petitioner submits that petitioner came to be arrested on 06.01.2020 and was under Police Custody till 07.01.2020, thereafter, he was released on bail. Charge sheet came to be filed on 14.06.2021 (Special

Case No.69/2021). Charge has been framed against petitioner on 12.05.2023. Thereafter, petitioner has given application for issuing summons to sanctioning authority on 12.05.2023. That application was given with an intention to lead the evidence on priority basis before all the other witnesses, because *prima facie* sanction is stated to be accorded (as per the contention of petitioner) without application of mind and, therefore, it is defective, improper and invalid. The trial Court had called the say on the application and said application is also still pending. There is no progress in the matter. Petitioner stood retired on 31.03.2024, however, his retiral benefits are withheld. He had approached this Court by filing Criminal Writ Petition No.1118 of 2023 and this Court by order dated 11.09.2023 disposed of the petition with a request to trial Court to conclude the trial as expeditiously as possible. However, no time limit was given and now, there is absolutely no progress in the matter. Therefore, the petitioner prays that the trial Court should be directed to conclude the trial within a period of six months.

3 Heard learned Advocate Mr. P.S. Dighe holding for learned Advocate Mr. V.R. Dhorde for petitioner and learned APP Mr. V.K. Kotecha for sole respondent.

4 Here, in this case, already there is an order passed by this Court

regarding expeditious disposal of the case. There is no reason to disbelieve the petitioner. If the charge is also framed, then some progress should be made on each day. We are not aware about pendency which is before learned Special Judge, but taking into consideration the witnesses involved in the present matter which would be required to be examined, we are of the considered opinion that the time limit of one year would be sufficient for disposal of the case on merits. Of course, the precondition would be that the petitioner should not take unnecessary adjournments.

5 We, therefore, **dispose of** the writ petition with direction to learned Special Judge, under PC Act, Nanded to conclude the trial in Special Case No.69/2021 within a period of one year from today.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

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