



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

19 CRIMINAL WRIT PETITION NO.414 OF 2025

Ramratan Bhaskar Dhongade,
Age 43 yrs., Occ. Agri.,
R/o Wagholi (Gour), Tq. Kallam,
Dist. Osmanabad.

... Petitioner

... Versus ...

- 1 The State of Maharashtra
Through it's District Government
Pleader, Osmanabad.
- 2 Bhagandas Amrutrao Dhongade,
Age 68 yrs., Occ. Agri.,
R/o Wagholi (Gour), Tq. Kallam,
Dist. Osmanabad.
- 3 Sahurao Amrutrao Dhongade,
Age 58 yrs., Occ. Agri.,
R/o as above.
- 4 Nagurao Amrutrao Dhongade,
Age 73 yrs., Occ. Agri.,
R/o as above.

... Respondents

...

Mr. S.G. Jadhavar, Advocate for petitioner

Mr. A.D. Wange, APP for respondent No.1

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

DATE : 01st APRIL, 2025

ORDER :

1 Present petition has been filed to direct the Additional Sessions Judge, Kallam, Dist. Osmanabad to decide Criminal Appeal No.27/2023 (Old No.26/2022) pending before that Court expeditiously within a time bound manner.

2 There is no necessity to issue notice to respondent Nos.2 to 4. Learned APP waives notice for respondent No.1.

3 Present writ petitioner appears to be the informant and respondent Nos.2 to 4 are the original accused who have been convicted. We have perused roznama of appellate authority. It appears that matter is pending for preparation of paper book. A fact is required to be observed that from 24.04.2024 till 23.01.2025 the matter is shown to be pending for estimating the expenses for preparation of paper book. In the normal course only for estimation i.e. taking out what would be the cost of preparation of the paper book so much time is not required.

4 Chapter **XVI** of the Criminal Manual deals with the procedure to be adopted in Appeals and Revision Applications of Courts other than the High Court.

Paragraph No.9 says about Paper Book. It provides that –

“As soon as the record of a case under appeal or revision is received by a Sessions Court from the Trial Court, the Record Keeper will arrange to get the necessary number of paper books prepared by the Section Writers or Clerks working under him.”

Of course, this procedure is old one, that is, which does not take into consideration the computerization. Paragraph No.14 says that -

“Ordinarily, 3 copies of paper book should be prepared in all cases, one for the use of the Court, one for the use of the Public Prosecutor and one for the use of the accused or the opponent, as the case may be. The Sessions Judge may order more in any particular case.”

Paragraph 15 says that -

“The copies shall be supplied to the Public Prosecutor free of cost. The copies supplied to the accused and other parties shall be charged at the rates mentioned in paragraph 16.”

Paragraph No.16 says that -

“The copies of the paper book to be supplied to the accused or any

party to the proceedings or his lawyers on payment shall be charged at the rate of 6 p. per 100 words or part thereof in addition to the cost of the paper which shall be 2 p. for each sheet of superior quality A4 size white paper having not less than 75 GSM with printing on both sides of the paper with Font – Times New Roman or Georgia, Font size 14 with inner margin of 5 cms. and outer margin 3 cms.”

Paragraph No.17 says that -

“If any of the accused or parties to a proceeding desire that more than the number of copies prescribed in paragraph 15 above be prepared and supplied to him or them separately, he or they shall give intimation in that behalf to the Record Keeper before the expiry of one week from the receipt of the Record and Proceedings of the case from the Lower Court in the Sessions Court.”

5 Thus, there is absolutely no stage of keeping the matter for estimation or calculation. The learned Additional Sessions Judge, Kallam, before whom the matter is pending, appears to be under wrong impression or he is not paying attention to the roznama. He ought to have paid attention to the fact, as to whether the Record and Proceedings has been received in the matter or not. It appears that on 04.04.2024 the record of lower Court was received and, therefore, without waiting for any other directions the Record Keeper of Additional Sessions Court, Kallam ought to have proceeded for the preparation of the paper book. Charge and receipt of the amount should be calculated later as per Chapter XXVI of the Criminal Manual. We

hope that the learned Additional Sessions Judge will now adopt the proper procedure in the matter.

6 The learned Advocate for petitioner makes a statement that the petitioner is ready to supply the private paper book. Under such circumstance, the petitioner may supply the requisite copies of the paper book within two months. If the private paper book is given, learned Additional Sessions Judge, Kallam to get it compared with the record and then learned Additional Sessions Judge, Kallam may take up the matter.

7 With these directions, we dispose of the writ petition.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

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