



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

35 CRIMINAL WRIT PETITION NO.1570 OF 2022

Rameshwar Machchhindra Bhutkar,
Age 33 yrs., Occ. Business,
R/o Shani Shingnapur, Tq. Newasa,
Dist. Ahmednagar.

... Petitioner

... **Versus** ...

- 1 The State of Maharashtra
- 2 Avinash Changdeo Bankar,
Age 30 yrs., Occ. Business,
R/o Shani Shingnapur, Tq. Newasa,
Dist. Ahmednagar.
At present r/o Nashik Jail.
- 3 Pankaj Changdeo Bankar,
Age 31 yrs., Occ. Business,
R/o Shani Shingnapur, Tq. Newasa,
Dist. Ahmednagar.
- 4 Arjun Suresh Mahale,
Age 36 yrs., Occ. Business,
R/o Shani Shingnapur, Tq. Newasa,
Dist. Ahmednagar.
- 5 Lakhan @ Laxman Namdeo Dhage,
Age 34 yrs., Occ. Business,
R/o Shani Shingnapur, Tq. Newasa,
Dist. Ahmednagar.
- 6 Mayur Balasaheb Harkal,
Age 27 yrs., Occ. Business,
R/o Maruti Nagar, Ghodegaon,

Tq. Newasa, Dist. Ahmednagar.
At present r/o Nashik Jail.

7 Bhaurao @ Dadasaheb Raybhan Dhamale,
Age 32 yrs., Occ. Business,
R/o Kangune, Tq. Newasa,
Dist. Ahmednagar.

8 Ganesh Balasaheb Sonawane,
Age 31 yrs., Occ. Business,
R/o Ghodegaon, Tq. Newasa,
Dist. Ahmednagar.

... Respondents

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Mrs. Rashmi S. Kulkarni, Advocate for petitioner

Mr. G.A. Kulkarni, APP for respondent No.1

Mr. Sohail Subhedar, Advocate h/f Mr. N.S. Ghanekar, Advocate for
respondent Nos.3, 4 and 8

Respondent Nos.2, 5, 6 and 7 - Served

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**CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.**

DATE : 10th SEPTEMBER, 2025

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

1 Present petition has been filed for direction to learned Additional
Sessions Judge, Newasa to conduct Sessions Case No.8/2018 on day-to-day

basis and to implement the same in a time bound manner. Petitioner is the informant and respondent Nos.2 to 8 are the accused persons, who are facing said trial for the offence punishable under Section 302, 506, 143, 148, 149, 120-B, 201 of the Indian Penal Code, 1860, under Sections 3 and 4 punishable under Section 25 of the Indian Arms Act, 1959 and under Section 37(1),(3) punishable under Section 135 of the Maharashtra Police Act, 1951. Out of respondent Nos.2 to 8, accused Nos.2, 3 and 7 have been released on bail by Hon'ble Supreme Court and this Court respectively. Remaining accused are behind the bars till date when the petition was filed.

2 Heard learned Advocate Mrs. Rashmi S. Kulkarni for petitioner, learned APP Mr. G.A. Kulkarni for respondent No.1 and learned Advocate Mr. Sohail Subhedar holding for Mr. N.S. Ghanekar for respondent Nos.3, 4 and 8.

3 Learned Advocate appearing for petitioner relies on the decision in **Criminal Trials Guidelines Regarding Inadequacies and Deficiencies, In Re vs. State of Andhra Pradesh and others** by Three Judge Bench of the Hon'ble Supreme Court [(2021) 10 SCC 598], wherein guidelines have been provided. Reformation and clarity of procedure in respect of carrying the trial on day-to-day basis have also been given and then it is submitted that

when these guidelines have been adopted by this Court the learned trial Court ought to have taken the evidence on day-to-day basis.

4 By our order dated 24.06.2025 we had called the present status report from learned Additional Sessions Judge, Newasa, Dist. Ahmednagar, before whom the Sessions Case No.8/2018 is pending, with remarks as to how much time he is taking to dispose of the said case, at the earliest. Accordingly, the report has been submitted vide letter dated 03.07.2025. First of all, it has been informed that on behalf of the prosecution Advocate Mr. S.G. Laddha has been appointed as Special PP, who comes from Aurangabad. The defence have engaged Advocate Mr. S.M. Shaha for accused No.1, who is from Pune. Advocate Mr. N.H. Shejpal representing accused Nos.2 and 4 is from Pune, Advocate Mr. N.S. Ghanekar represents accused Nos.3 and 7 is from Aurangabad, local Advocate Mr. N.S. Joshi represents only accused Nos.5 and 6. The dates are given as per the convenience of the Advocates. Till date two witnesses have been examined. Examination-in-Chief of the informant started on 10.01.2020 and cross-examination has been completed on 15.02.2023. Handwritten deposition in Marathi runs into 85 pages. Examination-in-Chief of PW 2 started on 15.07.2023 and cross-examination was completed on 07.11.2023. As per the prosecution in all 37 witnesses are to be examined. It is also then stated that

service of witness summons and warrants by the police is very poor. There are other old civil, criminal as well as under-trial prisoners' matters pending before the said Court. The first and the foremost fact to be noted is that already there are directions of the Hon'ble Supreme Court and those directions have been incorporated in the Criminal Manual. No separate directions are required to be given. Certainly, there is practical difficulty for the learned Additional Sessions Judge when even the Special PP as well as some of the Advocates representing the accused are coming from different places. The accused persons have right to engage Advocate of their choice, however, certainly, there is no right to the Advocates representing those accused persons that they should get a particular date. Of course, it is usually considered that a Court is supposed to see the convenience of the Advocates also, but it is the duty of the trial Court to take the matter on day-to-day basis and the concerned Judge should insist for such dates, so that once a witness is taken in the witness box, then his evidence gets over in consecutive day/s. The trial Judge should not be so lenient that the dates so given as per so called convenience would cause prejudice to the witnesses.

5 With these observations, we **dispose of** the writ petition with direction to learned Additional Sessions Judge, Newasa that he should expedite the trial and by exercising balance should try to dispose of the

matter as early as possible.

6 We grant liberty to the informant to approach this Court, if the matter does not get concluded within a period of eight months from today.

7 Learned Registrar (Judicial) to inform the present order immediately to learned Additional Sessions Judge, Newasa, Dist. Ahmednagar.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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