

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

12 CRIMINAL WRIT PETITION NO. 1932 OF 2024

Ravindra Vishwanth Gore

VERSUS

The State Of Maharashtra And Another

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Advocate for the Petitioner : Mr. A. B. Kale and Ms. S. A. Kale

APP for Respondents : Mr. N. R. Dayama

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

DATED : 06 JANUARY 2025

PER COURT :-

1. Heard learned Advocate for the petitioner and learned A. P. P.
2. Present Writ Petition is filed for giving direction to the Trial Court, i.e., Judicial Magistrate First Class, Newasa Dist. Ahmednagar to conclude the trial of R.C.C. No.8 of 2020 arising out of FIR vide C.R. No. 498 of 2018 dated 31.08.2018 registered with Newasa Police Station, Tq. Newasa, District Ahmednagar for the offences punishable under Sections 143,147, 148, 323, 504 & 506 of the Indian Penal Code and Section 37 (1) (3), 135 of Maharashtra Police Act, 1951.
3. In view of order dated 12.12.2024, the learned A.P.P. has taken instructions. He submits that the matter is part heard and evidence of only 2 to 3 witnesses is remaining. Learned Advocate for the petitioners strenuously submits that the Medical Officer is not

remaining present and even non-bailable warrant has been issued. We take that the trial Court is therefore taking steps to secure the presence of the witnesses and there appears to be no delay in the procedure taken up by the Trial Court. We do not find this to be a fit case where we can give directions and make the trial time bound. However, we may suggest to the learned Trial Court that taking into consideration the sections those have been applied/pressed into service, he/she may consider whether there is really necessity to have presence of the Medical Officer. This is in view of the fact that the offence is under Section 323 of IPC.

4. We hope and trust that taking into consideration the fact that the trial is pending since 2020, learned Judicial Magistrate First Class, Newasa will take appropriate efforts to dispose of the matter.

5. There is a prayer that the Trial Court be directed to conclude the trial of S.C.C. No.303 of 2019 arising out of C.R. No. 500 of 2018 dated 31.08.2018 registered with the same police station for the offences punishable under Sections 143, 147, 148, 323, 504 & 506 of the Indian Penal Code and Sections 37 (1) (3), 135 of Maharashtra Police Act, 1951. The present applicant is the informant therein. Now it is informed that both these cases, i.e., R.C.C. No.8 of 2020 and S.C.C No.303 of 2019 are in different Courts, that is, they have been tried by different presiding officers.

6. Learned Advocate for the petitioners as well as learned A.P.P. agree that they are the cross cases and cross complaints. Upon inquiry, learned Advocate for the petitioner assures that petitioners would take steps to get both the cases clubbed before one Presiding Officer. Here we may refer to the Judgment of this Court in the case of **Anil Bhaskar Sonavane Vs. The State of Maharashtra** (1976) 78 Bomb.L.R.325, wherein, it has been observed that cross complaints and cross cases arising out of incident of riot are required to be tried in quick succession by the same Presiding Officer. The said view has been upheld in **Nathi Lal Vs. State of Uttar Pradesh** (1990) SCC (Cri.) 638 and **State of M.P. Vs. Mishrilal (Dead) & Ors.** AIR 2003 SC 4089. As the petitioner is going to take steps, no need to give any directions in that respect.

7. With these observations, the Writ Petition is disposed of.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

A.G.Narwade