



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 CRIMINAL WRIT PETITION NO.136 OF 2025

BHIKARAM LIMBAJI KOLEKAR AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. A.R. Gaikwad, Advocate for petitioners

Mr. A.M. Phule, APP for respondent No.1

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

DATE : 30th APRIL, 2025

ORDER :

1 We have heard learned Advocate for petitioners and learned APP for respondent No.1. Taking into consideration the facts of the case, we are not inclined to grant any relief to petitioners, however, it is to be noted that the crime came to be registered on 26.11.2016 and it appears that after the committal of the case the Sessions Case has been registered in 2021. We have perused the roznama. Of course, it appears that due to Covid-19 situation the matter could not proceed for long time for recording of evidence, however, it appears that learned APP, who is representing the

prosecution before learned Additional Sessions Judge has taken certain adjournments. We are taking note especially of the roznama dated 29.07.2024. It states that on that day accused No.1 was present along with his Advocate. Application Exh.41 was placed for exemption from appearance in respect of accused Nos.2 to 6. That application came to be granted. It also appears that informant, who is the mother of victim, has engaged Advocate before learned Additional Sessions Judge to assist the prosecution. Concerned Advocate was also present. However, it is specifically mentioned in the roznama that since the victim is in coma, the matter cannot be proceeded. It is the prosecution story that the victim who is wife of accused No.3 was subjected to cruelty, but due to harassment it is stated to be in the nature of not allowing her to cohabit with accused No.3. She had consumed poisonous medicine and thereafter she is presently also in coma. Though initially it appears that the offence under Section 307 of the Indian Penal Code was also added, the charge sheet came to be filed under Sections 498-A, 323 read with Section 34 of the Indian Penal Code. Thereafter, it appears that by order dated 20.04.2019 learned Judicial Magistrate First Class, Beed (Court No.3) issued process against accused Nos.1 to 6 for the offence punishable under Sections 307, 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code. Charge has also been framed by learned Additional Sessions Judge, Beed on 15.07.2022. Neither the order of taking cognizance

under Section 307 of the Indian Penal Code dated 20.04.2019 was challenged by present petitioners nor application for discharge was filed before the charge was framed on 15.07.2022. Now, after such a considerable period petitioners have come here for quashment and, therefore, we were not inclined to grant any relief. But, at the same time, petitioners have a right to speedy trial. Right from 2016 till 29.07.2024 it appears that the victim is in coma. When there are less chances of getting her examined, the trial need not stop.

2 We had asked learned APP to take instructions from the APP who is conducting the matter before Additional Sessions Judge, Beed as to whether the prosecution intends to proceed with the matter or not. Upon instructions from the concerned APP, it is informed that the prosecution intends to go ahead with the matter and would cooperate the Court in early disposal of the case. Now, learned Advocate for petitioners is also promising that petitioners would cooperate for early disposal of the case and they would remain present before the Court and will not take unnecessary adjournment including exemption applications on the given dates.

3 We, therefore, direct learned Additional Sessions Judge, Beed to expedite the trial of Sessions Case No.77/2021 and dispose it of as early as

possible.

4 Writ Petition stands disposed of.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

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