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IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL APPLICATION (BAIL) NO.66 OF 2025

GAURAV BIDRE **...APPLICANT.**
VS
STATE OF GOA THROUGH
PUBLIC PROSECUTOR
AND OTHER **...RESPONDENTS.**

Mr. Sangram Desai Mr Rohan Desai, Ms Janhavi Dudhwadkar, Ms Sanjana Desai, Ms Arya Parikar and Ms Ashwini Bandekar, Advocates for the Applicant/Appellant.
Mr Shailendra G. Bhobe, Public Prosecutor for Respondent nos.1 and 2.
Mr L. Raghunandan, Advocate for the Respondent no.3 under Legal Aid through VC.

CORAM:- SHREERAM V. SHIRSAT, J.

DATED:- 16th October, 2025.

P.C.:

1. On 3.10.2025, the father of the victim was present in person, who sought time for intervening in the Bail application. Today, learned Counsel appearing for the father of the victim seeks time to file reply in the matter. Time granted to file reply.
2. Learned Counsel for the Applicant states that the Applicant was arrested on 24.6.2022, the charge was framed

on 14.12.2023 and till date only three witnesses have been examined. Learned Counsel for the Applicant also placed on record a chart indicating details of the dates in the matter and also duration and time taken to examine the witnesses.

3. Learned Public Prosecutor for the Respondent nos.1 and 2 submits that the trial Court, vide order dated 22.11.2024, while rejecting the bail application, has observed that evidence in the present case shall be recorded on every Monday and Wednesday of the week and the Investigating Officer is directed to remain present and assist the prosecution in securing the presence of the witnesses on the given date. Learned Public Prosecutor has also brought to the notice of this Court that the Applicant/Accused has filed an application on 28.4.2025 for fixing a trial programme.

4. Learned Counsel for the Applicant informs this Court that although the application was filed providing a trial programme, the trial Court has not even passed any order till date and the application is kept pending since 28.4.2025.

5. I have heard the respective counsels.

6. As the application dated 28.4.25 is pending, the trial

Court is directed to decide the application of the Applicant within a period of one week from the date of receipt of this order and also to immediately chalk out a trial programme with the assistance of Ld. Public Prosecutor, Investigating Officer and the defence counsel keeping in view the judgment passed by this Court in the case of ***Bharat Vs State and another, 2024 SCC Online Bom. 3863*** and latest judgment of the Apex Court in the case of the ***Central Bureau of Investigation Vs Mir Usman @Ara @ Mir Usman Ali, 2025 SCC OnLine SC 2066***.

7. For quick reference the guidelines issued by the Hon'ble Supreme Court in the matter of ***Central Bureau of Investigation Vs Mir Usman @Ara @ Mir Usman Ali***,(supra) are reproduced herein below:-

35. The practice of conducting trials on a day to day basis more particularly in important or sensitive cases as was the tradition about thirty years ago has been given a complete go-by. We sincerely believe that it is high time that the courts revert to that practice. For the purpose of reverting to the old practice, it is necessary to understand the current social, political and administrative scenario including the way the Police are functioning. All the High Courts need to constitute a Committee to discuss this issue very seriously for the benefit of their respective district judiciaries.

36. One of the significant factors contributing to

delays in the justice system is the discretionary practice of noncontinuous criminal trials, where evidence is heard by the court in piecemeal fashion, with cases effectively spread out over the course of many months or even years. While limited judicial or court resources and a shortage of available court time due to the volume of cases are often cited for the use of this discretionary practice, the costs of non-continuous trials to both parties and to the justice system as a whole can far outweigh the perceived benefits.

Necessity for the High Courts to issue a Circular

37. The Chief Justices of the High Courts may direct their administrative side to issue a circular to the respective district judiciaries stating as under:

- [1] The proceedings in every inquiry or trial shall be held expeditiously.*
- [2] When the stage of examination of witnesses starts such examination shall be continued from day-to-day until all the witnesses in the attendance have been examined except for special reasons to be recorded in writing.*
- [3] When the witnesses are in attendance before the Court no adjournment or postponement shall be granted without examining them, except for special reasons to be recorded in writing.*
- [4] The Court should not grant the adjournment to suit the convenience of the advocate concerned except on very exceptional grounds like bereavement in the family and similar exceptional reasons duly supported by memo. Be it noted that the said inconvenience of an advocate is not a "Special Reason" for the purpose of bypassing the immunity of Section 309 of the Cr.P.C.*
- [5] In case of non-cooperation of accused or his counsel, the following shall be kept in mind:*

- a. *In case of non-cooperation of the counsel, the Court shall satisfy itself whether the non-cooperation is in active collusion with the accused to delay the trial. If it is so satisfied for reasons to be recorded in writing, it may, if the accused is on bail, put the accused on notice to show cause why the bail cannot be cancelled.*
- b. *In cases where the accused is not in collusion with lawyer and it is the lawyer who is not cooperating with the trial, the Court may for reason to be recorded, appoint an amicus curiae for the accused and fix a date for proceeding with cross-examination/trial.*
- c. *The Court may also in appropriate cases impose cost on the accused commensurate with the loss suffered by the witness including the expenses to attend the court.*
- d. *In case when the accused is absent and the witness is present for examination, in that case the Court can cancel the bail of accused if he is on bail. (Unless an application is made on his behalf seeking permission for his counsel to proceed to examine the witness present even in his absence, provided the accused gives an undertaking in writing that, he would not dispute, his identity as a particular accused in the case.)*

[6] The Presiding Officer of each Court may evolve the system for framing a schedule of constructive working days for examination of witnesses in each case, well in advance, after ascertaining the convenience of counsel on both sides.

[7] The summons or process could be handed over to the Public Prosecutor in-charge of the case to cause them to be served on the witnesses, as per schedule fixed by the Court.

8. In view of the above, hearing of the bail application is kept on 6.11.2025.

9. Copy of this order be sent to the Sessions Judge, North Goa, Merces for compliance.

SHREERAM V SHIRSAT, J.