

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO.4686 OF 2024**

Mayur Kantilal Thorat And Anr

... Petitioners

V/s.

The State of Maharashtra and Anr.

... Respondents

Mr. Nikhil Hire for Petitioners.

Smt. Prajakta P Shinde, A.P.P for Respondent No.1-State.

Mrs. Shamika Ranade for Respondent No.2.

**CORAM : A. S. GADKARI AND
RAJESH S. PATIL, JJ.**

DATE : 17th June 2025.

P.C. :

1. Present petition was called out for hearing on 16th June 2025. On that date Mr. Advait S. More holding for Mrs. Shamika Ranade appeared on behalf of Respondent No.2. Advocate Mrs. Shamika Ranade has been appointed from the panel of legal aid to espouse the cause of Respondent No.2 in furtherance of Order dated 6th February 2025 passed by our predecessors. On 16th June 2025, Advocate Mr. More submitted that, Mrs. Shamika Ranade received photocopy of the Petition on 13th June 2025 and had sought adjournment.

2. Perusal of the record indicates that, by an Order dated 6th

February 2025, this Court had directed Legal Services Committee of this Court to appoint suitable counsel from its panel to represent Respondent No.2. We had therefore called for the original record from the office of the Legal Aid Services Committee, High Court, Mumbai on 16th June 2025 itself and had perused it. On the Appointment Order dated 27th February 2025 there is an acknowledgment of receipt of Appointment Order with the Court Order and the date stated therein is 3rd March 2024. It is to be noted here that, though the Appointment Order of the counsel from the panel of Legal Aid Services Committee is dated 27th February 2025 and copy of the said Order was given to the Advocate on 3rd March 2025, till 13th June 2025 copy of complete compilation of Petition was not served upon the Advocate so appointed.

3. The matter was therefore adjourned for today. Upon a query by this Court, Mrs. Ranade, learned Advocate for Respondent No.2 informed that, she had been to the Registry at least on two occasions for getting a copy of the Petition. However, it was informed to her by Mr. Pawar, Section Officer and Mr. Zishan, Clerk of the said Department, that the Advocate for Petitioners did not supply spare copies and therefore it could not be given to her. She had also addressed an email to the Legal Aid Committee for getting a copy of the said Petition. However, copy of the said Petition was given to her only on 13th June 2025.

3.1. Point No.3 of the appointment Order states that, the appointed

Advocate was requested to collect copies of the Petition along with relevant documents from the concerned department immediately.

3.2. The explanation offered by the Registry and as recorded above, has been given to Advocate Mrs. Ranade by Mr. Pawar, Section Officer and Mr. Zishan, Clerk of the concerned department.

3.3. Learned Advocate for Petitioners submitted that, at the time of filing of Petition so also after issuance of notice, he has taken care that sufficient number of spare copies are submitted to the Registry and thereafter only notice was issued. We see no reason to disbelieve the statement of learned Advocate for the Petitioners.

4. The aforesaid chronology clearly reveals that, the purpose of appointing an Advocate from the panel of legal aid has been frustrated by the Registry of this Court by not cooperating with the said Advocate, who has been appointed to espouse the cause of respondent No.2, a victim in the present crime. The ultimate result of it is that hearing of Petition got protracted for no fault on the part of learned Advocates for the respective parties so also the Court and it is only the staff of Registry, who is responsible for it.

5. From the pleadings of the learned Advocate appointed for Respondent No.2, it is apparently clear that, she had taken due care and put in efforts to get copy of the Petition from the Registry. However, due to non cooperation and only for the reasons best known to the concerned staff of

the said Department, she was helpless. As noted above, the basis for appointment of Advocate for respondent No.2 from the panel of Legal Aid Committee has been frustrated by the concerned persons from the Registry.

5.1. We therefore direct the Registrar General of this Court to conduct an indepth inquiry into the said aspect and submit a detailed report to this Court within a period of three weeks from today.

5.2 Registrar General is at liberty to call for the original record from the High Court Legal Aid Services Committee, Mumbai for verification.

5.3. If the Registrar General comes to the conclusion that, apart from the aforesaid two persons any other person is also responsible for the lapse in complying with the Order of 6th February 2025, he shall mention so in his report.

5.4. In the event, the Registrar General comes to the conclusion that, there is lapse on the part of certain persons, he is also directed to place on record what legal action he comprehends to be initiated against them.

6. Mrs. Ranade learned Advocate for Respondent No.2 seeks time to take instructions.

6.1. At her request, stand over to 8th July 2025.

7. Ad-interim relief, if any granted earlier, to continue till next date.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)