

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Criminal Writ Petition No.126 of 2025

Ritesh Vishnu Rajput ... Petitioner
V/s.
The State of Maharashtra ... Respondents.

Mr. A.B. Bhattacharya	Advocate for the Petitioner.
Ms. Sangeeta E. Phad	APP for the State.

CORAM : S.M. MODAK, J

DATE : 7th July 2025.

P.C. :

Heard learned Advocate for the Applicant and learned APP.

2. The only issue involved in this petition is about the right of the accused to ask for framing of charge. Request is made before the trial Court as per the application on 19th March 2024 to frame the charge. It is true that learned trial Judge may be over burdened with matters. It seems that he has called report form Shirestedar about the pendency of cases. The pendency list also included under trial prisoner cases and expedited matters. On the basis of report, the learned judge was pleased to reject that application. Learned Judge observed it is not possible even to frame the charges against the Applicant.

3. Such order cannot be sustained under the guise of law. When prisoner is under trial, he has a right to speedy trial. Framing of charge is the important stage in the criminal trial. In fact it is the duty of the trial Court to frame the charge as early as possible as under trial prisoner is involved.

4. It is true after framing of charge till recording of evidence will start, there are different stages including calling of muddemal, giving of report under Section 294 of Cr.P.C. However, in no case the order of the Judge refusing to frame the charge can be justified. The order needs to be set aside.

5. There is a prayer to expedite the trial and reliance is placed on observations in case of *Hemant @ Sonu Gurunath Chavan v/s. State of Maharashtra and anr.*¹. It was bail application and it was rejected and trial Court was asked to frame the charge as early as possible. Consequences for not framing of charge are also recorded. It is submitted that the request for expediting the trial is already rejected by the learned trial Court.

6. These were the observations in a bail. The learned Judge has already observed about the pendency before him. The request for expediting the trial cannot be accepted. Hence, the following order:

ORDER

- (i) The Application by the Applicant for framing of charge is accepted.

¹ Bail Application No.3279/2022 dt. 18.7.23

- (ii) The order dt. 6th May 2024 passed by learned Sessions Court, Dindoshi is set aside.
 - (iii) The learned trial Judge is directed to frame charge after hearing both the sides.
 - (iv) Fresh liberty is granted to apply before the Court for expediting the trial. If considering the work load and other reasons, the learned Judge is not in a position to start with the recording of evidence, other options are available to the applicant.
7. With aforesaid directions, Writ Petition stands disposed of.

(S.M. MODAK, J.)