

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4407 OF 2025

1. Gautam Ramu Thakare
2. Ankush Ganpat Lahange
3. Ramesh Ashok Lahange
4. Ajit Dilip Thakare
5. Vilas Amrut Thakare
6. Milind Vishnu Pawar
7. Akshay Ramu Pawar
8. Mangesh Hari Sutar
9. Pradip Ashok Lahange
10. Darpan Shantaram Parhad
11. Rupesh Ashok Lahange
12. Vicky Dilip Thakare
13. Naresh Govind Lahange

All residing at Jadhav Pada,
Village Waveghar, Post Kanchad
Tal. Wada, Dist. Palghar
Pin Code 421 303.

14. **Ajit Ananta Thakare**
Residing at Wageghar
Post Kanchad
Tal. Wada, Dist. Palghar
Pin Code 421 303.

...Petitioners

Vs.

1. The State of Maharashtra
(Through Wada Police Station)

2. Gorakshanath Raghunath Vahile ...Respondents

Mr. Vivek K. Thakare	Advocate for the Petitioner
Ms. Sangeeta E. Phad	APP for the Respondent-State
Rajkumar B. Munde	PSI Wada Police Station, Palghar

CORAM : S. M. MODAK, J.

DATE : 19th AUGUST 2025

P.C. :-

1. Today this petition is placed before me for admission for first time. I have heard learned Advocate for Petitioners/accused and learned APP.

2. **The only grievance raised is “not granting an opportunity to the Petitioners to ascertain whether case for discharge is made out as per the provisions of *Section 262 of the Bharatiya Nagrik Suraksha Sanhita, 2023*”.** The facts which are relevant are as follows:-

24.03.2024	FIR is registered with Wada Police
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	Station for the offences under Sections 143, 324, 336, 452, 447, 427 and Section 147 and 149 of the Indian Penal Code.
First informant	Gorakshnath Rangnath Wahile, who works as General Manager in the Company Blue Berry Agro Products Pvt. Ltd at Waveghar, Kanchad, Wada, District Palghar
15/10/2024	Charge-sheet against 15 accused submitted to the Court of JMFC Wada and cognizance is taken
15/10/2024	Charge is framed and witness summons is issued.

3. The grievance is learned Magistrate has shown unnecessary haste in framing the charge on same date and not given any time to go through papers, consult their advocates and to take a call whether to proceed as per the provisions of Section 262 of the Bharatiya Nagrik Suraksha Sanhita, 2023. Learned APP supported order and submitted speedy trial is essence of criminal trial and the learned Magistrate cannot be blamed. According to him, there is outer limit of 60 days from the first date to file an application for discharge and it does not mean, the Magistrate has to wait for 60 days.

4. It cannot be disputed that learned Magistrate has framed the

charge on 15/10/2024 i.e. the date on which charge-sheet is filed. It is also true that accused have applied for certified copy of the roznama and proceedings on 06/06/2025. It is for the learned Magistrate to issue copies as per Rules.

5. I am not inclined to admit the petition only for the reason it does not require interference. Certainly learned Magistrate has taken immediate decision to frame the charge. It does not mean that this Court should interfere. One of the purpose which Bharatiya Nagrik Suraksha Sanhita, 2023 sought to achieve is speedy trial. Learned Magistrate has to achieve two objects .One to speed up trial and second to give fair opportunities of participation to both the sides. Instead of admitting petition, I am inclined to make certain observations about conduct of trial so that interest of accused is protected.

6. It is expected from learned Magistrate to give sufficient time to the accused to appoint an Advocate of their choice, if they have not appointed earlier. It is expected to defer recording of evidence till that time. It is expected from learned Magistrate to give sufficient opportunity to accused to conduct cross-examination of prosecution witnesses. Why I say so because on 24/12/2024, the case was

adjourned at the instance of accused and the witnesses were paid bhatta. There is one more reason. There are 15 accused. They may engage one or different advocates and these advocates may cross-examine the witnesses separately.

7. Learned Magistrate must understand, he is not the mouthpiece of the prosecution. He has to act independently and should be fair while conducting the trial. Fair play involves opportunity to put forth their case. It also involves granting adjournments when desired.

8. Learned Magistrate should consider if he will show haste in conducting trial, accused may apprehend of unfair trial. The learned Magistrate should conduct the trial in such a manner so that accused will not form an opinion about partiality by the Court. At the same time, learned Magistrate is fully justified in regulating the dilatory tactics on the part of prosecution as well as accused. It may also impose a cost on dilatory litigant.

9. With above observations, I find no merits. It is dismissed.

[S. M. MODAK, J.]