



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPICATION (CAW) NO. 1335 OF 2025
IN
WRIT PETITION NO. 2087 OF 2024 (D)

Gautam S/o Narayanrao Basutkar

Versus

Coal India Limited through its Chairman cum Managing Director and
Disciplinary Authority, Nagpur

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Prakash Naidu, Advocate for the petitioner.

Shri A.M.Ghare, Advocate for the respondent.

**CORAM : SMT. M.S.JAWALKAR &
PRAVIN S. PATIL, JJ.**

DATED : 21st JULY, 2025.

This Court, by order dated 10th July, 2024 disposed of the petition and directed the Special Court to dispose of the criminal proceeding pending against the petitioner. However, as departmental enquiry was pending against the petitioner, stay was granted to the departmental proceeding for a period of nine months.

2. Present petitioner before this application, filed Civil Application No. 786 of 2025 for continuation of stay of departmental proceeding, as the criminal proceedings are not concluded. This Court while deciding the Civil Application 786 of 2025 by the order dated 29th April, 2025 extended the stay to the departmental proceeding for further period of two months with the direction that no further extension shall be granted.

3. In the background of above said factual position, the present petitioner has again moved this application seeking thereby further six months extension to the departmental proceeding on the ground that criminal proceedings are not concluded. It is pointed out by the petitioner that out of five witnesses, the prosecution has examined two witnesses and three witnesses namely Panch and Investigating Officer are yet not examined in the pending criminal trial.

4. It is stated by the petitioner by relying upon the Rojnama of Special Case No. 103 of 2023 that he has not sought unnecessary adjournments in the pending trial nor there are any allegations of adopting any dilactic tactics at the instance of the petitioner. It is his submission that due to unavoidable reasons the criminal trial is

prolonging before the District Judge-1 and Additional Sessions Judge, Kelapur.

5. Learned counsel for the respondent strongly objected the application. It is his submission that once this Court has extended the period of two months with a direction that no further extension shall be granted, the filing of present application is itself not tenable and petitioner ought to have moved the appropriate application for modification of the order passed by this Court on 19th April, 2025.

6. In the present matter, the perusal of the record shows that petitioner is not at fault to prolong the criminal trial. In the circumstances, to meet the ends of justice, according to us it will be appropriate to direct the learned District Judge-1 and Additional Sessions Judge, Kelapur to record the evidence of remaining three witnesses on priority basis and in any case to complete the evidence of remaining witnesses of prosecution within a period of two months.

7. It is further made clear that this Court by the order dated 2nd July, 2025 on the request of learned District Judge-1 and Additional Sessions Judge, Kelapur already extended the period of one year to conclude the Sessions trial. As such, during that period the learned

District Judge-1 and Additional Sessions Judge, Kelapur can conclude the sessions trial finally. But, in the meantime considering the fact that departmental inquiry against the petitioner is prolonging only because the statements of prosecution witnesses are not recorded, therefore, the directions are necessary in the matter. Hence, for the aforesaid reasons, we pass the following order.

- i. Application is partly allowed.
- ii. Learned District Judge-1 and Additional Sessions Judge, Kelapur is directed to record the evidence of remaining witnesses of the prosecution in Special Case No. 103 of 2023 pending on his file within a period two months from the date of production of this order before him.

No order as to costs.

[PRAVIN S. PATIL, J.]

[SMT. M.S.JAWALKAR, J.]