



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

CRIMINAL WRIT PETITION NO. 635 OF 2025

Dr. Shahab Mohammad Sharif Mohd. Abdul Majid Sharif Vs State of Maharashtra

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

Court's or Judge's Order

Mr. Dhruv Sharma, counsel h/f Mr. Prakash Naidu, counsel for petitioner.

Mr. V.A.Thakre, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 06/08/2025.

1. Heard.
2. By this petition, the petitioner is seeking relief in terms of prayer clause (ii) that the learned trial court conclude the Sessions Trial No. 38/2017 expeditiously, preferably within a period of three months, without further delay through day-to-day hearing.
3. As per the prosecution case, the marriage of the petitioner was solemnized with Mrs. Asma Shahab Sharif as per Muslim Personal Law. Due to marital discord, FIR No. 371/2013 was registered at Police Station Sadar, Nagpur, for offences punishable under Section 498A read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act. On 13th March 2025, the deceased allegedly committed suicide by pouring kerosene on herself and setting herself on fire. Initially, the Accidental Death Report (ADR) was registered, and subsequently, the

crime was registered against the present petitioner. After completion of the investigation, the charge-sheet was filed, and the case was committed to the Sessions Court for trial.

4. It is submitted that in view of Section 309(1) of the CrPC, the proceedings in every inquiry or trial shall be conducted from day to day until all the witnesses in attendance have been examined, unless the court finds it necessary to adjourn the proceedings beyond the next day for reasons to be recorded. Since this provision has not been followed, the petitioner seeks directions to expedite the trial and dispose of it at the earliest.

5. Learned APP strongly opposed for the same and submitted that it was the present petitioner who was seeking an adjournment and not cooperating with the Sessions Court, and therefore, the trial was not disposed of.

6. After hearing both sides and on perusal of the entire record, it reveals that the charge is already framed on 24/02/2020, and not a single witness has been examined so far. The trial is already of the year 2017, and only limited prayer is made by the petitioner to dispose of the trial at the earliest.

7. Considering the trial is already five years old, it can be disposed of at the earliest. Accordingly, I proceed to pass the following order.

ORDER

- a] The writ petition is **allowed**.
- b] The Sessions Judge is directed to conclude the trial within six months.

The writ petition is **disposed of**.

[URMILA JOSHI-PHALKE, J.]