



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 534 OF 2025

Rupchand Raghoji Tambe

Vs.

The State of Maharashtra, through its PSO, PS Yashodhara, Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. Abdul Subhan, Advocate for the Petitioner.

Ms. S.S. Jachak, APP for the Respondent.

CORAM : ANIL L. PANSARE AND M.M. NERLIKAR, JJ.

DATE : 12th AUGUST, 2025.

Heard.

2. The prayer is to direct the trial Court i.e. the Judicial Magistrate First, Class, Nagpur, to close the prosecution evidence forthwith.

3. *Vide* order dated 9th January, 2025, the learned Magistrate has come down heavily with the request made by the informant to keep the matter in abeyance for appointment of Special Public Prosecutor. The learned Magistrate accordingly directed the prosecution to proceed with the case, failing which it is ordered that the matter itself will be disposed of in accordance with law. The learned Magistrate also noted that the informant is delaying the proceeding for no good reason.

4. The grievance of the petitioner is that, despite such order, the trial Court has not closed the prosecution evidence but has issued the bailable warrant.

5. In our view, such exercise will only show that the Magistrate is trying hard to compel the witnesses to appear before the Court. That being so and even otherwise, the directions to close the prosecution evidence cannot be passed by this Court. The matter should be left to the trial Court to pass order one way or the other so far as presence of witness and closer of evidence is concerned.

6. The petition is accordingly dismissed.

7. The petitioner is at liberty to make appropriate request to the Magistrate to expedite the trial. If such request is made, the same shall be considered in the light of what transpired during the trial.

(M. M. NERLIKAR, J.)

(ANIL L. PANSARE, J.)

Vijaykumar