



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 588 OF 2026

**TEJPAL RANJITSING GIRASE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for the Petitioner : Mr. Nisargraj Garje a/w
Mr. Chaudhari Chetan Barku

Addl. PP for the Respondent/State : Mr. A. S. Shinde

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CORAM : MEHROZ K. PATHAN, J.

DATE : 4th MAY 2026

PER COURT :

1. At the outset, the learned Counsel for the Petitioner Mr. Nisargraj Garje submits that the Petitioner is ready to show his bona fides by depositing an amount of Rs. 10,000/- before this Court. The Petitioner undertakes to examine the defence witnesses on any date fixed by this Court. It is submitted that the delay in examining the witnesses was not deliberate however, due to unavoidable circumstances, the defence could not examine the accused persons within the time permitted by the learned trial Court. The learned Counsel for the Petitioner therefore prays for quashing and setting aside the order dated 08.04.2026, thereby permitting the Petitioner to examine the two accused, namely Sagar Girase and Manoj Girase, on any date fixed by this Court. The learned Counsel also submits

that Exhibit-70 was filed before the learned trial Court, showing that summons to the witnesses were not served despite efforts made by the accused. The impugned order, which closed the trial for final arguments without affording an opportunity to the accused to examine the defence witnesses, may result in miscarriage of justice. Hence, the petition may be allowed.

2. On the other hand, the learned APP Mr. Patil strongly opposes the petition on the ground that the application for examining the defence witnesses is nothing but a tactics adopted by the Petitioner with the sole intention of protracting the trial. It is pointed out that the Petitioner was earlier given an opportunity by the learned trial Court, and summons were issued in February 2026. The matter was thereafter fixed for examining the defence witnesses on 02.02.2026, but no steps were taken by the Petitioner. Again, the matter was fixed on 25.03.2026, and once more no steps were taken. Subsequently, the matter was fixed on 02.04.2026, when the prosecution moved an application (Exhibit-67) for closing the defence and fixing the matter for final arguments. Even thereafter, the Petitioner filed an application (Exhibit-69) undertaking to produce the defence witnesses by way of last chance, but failed to do so. It is submitted that the application was filed only with an intention to delay the proceedings and was rightly rejected by the learned trial Court. There is no error in the impugned order, which is liable to be maintained.

3. I have gone through the order dated 08.04.2026 passed by the learned trial Court. The learned trial Court had taken into consideration the conduct of the Petitioner in protracting the trial for one reason or another. The Petitioner failed to take steps to examine the two witnesses whom he himself had shown to be crucial for his defence. However, the application came to be rejected, as the Petitioner had not taken any steps to serve the defence witnesses or produce them for examination.

. Be that as it may, since the Petitioner has now given an undertaking and has voluntarily made a statement to deposit an amount of Rs. 10,000/- before this Court towards costs, and has further undertaken to examine the defence witnesses on the date fixed for the same by the trial Court, I am inclined to pass the following order :

ORDER

- (i) The Writ Petition is allowed.
- (ii) The impugned order dated 08.04.2026 is hereby quashed and set aside.
- (iii) Upon deposit of costs of Rs. 10,000/- by the accused, the trial Court shall issue summons to the proposed defence witnesses and specifically direct the concerned police officer to submit a report within fifteen days thereafter. The trial Court shall proceed to examine the witnesses within ten days from the date of submission of such report.

(iv) The Petitioner shall cooperate in serving of the summons to the proposed defense witnesses.

(v) The aforesaid order is subject to the Petitioner depositing an amount of Rs. 10,000/- within fifteen days to the Bhagwan Baba Balika Ashram and submit a report to the trial Court. The details of the said Ashram are as follows:

Bhagwan Baba Balika Ashram
Plot No. 4/5, Near Chate School, Pruthvinagar, Renukamata
Kaman, Satara Parisar, Chhatrapati Sambhajnagar.

(vi) Failure on the part of the Petitioner to deposit the said amount shall result in annulling this order, and the trial Court shall be free to proceed with the trial and conclude the matter after final arguments.

(vii) With the above directions, the Writ Petition stands disposed of accordingly.

MEHROZ K. PATHAN
JUDGE