

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 329 OF 2025

Panchlal Kalluram Jaiswal & Anr. ... Applicants
V/s.
The State of Maharashtra & Ors. ... Respondents

Mr. Ayub Khan, Advocate for Applicants.

Mr. Sukanta Karmakar, APP for Respondent – State.

Mr. Dipak Thorat – PSI, Oshiwara Police Station, Mumbai.

CORAM : ASHWIN D. BHOBE, J.

DATE : 21st JANUARY, 2026.

P.C. :

1. This Application is circulated by Mr. Ayub Khan, learned Advocate for the Applicants, on the grounds mentioned in the praecipe dated 21st January, 2026.

2. At the outset, Mr. Ayub Khan, craves leave to carry out amendment in the prayer clause of the Application to correct Case No. and the Court before whom the present proceedings are pending. Leave granted. Amendment be carried out forthwith.

3. By the present Application, the Applicants have sought

for the following substantive reliefs in terms of prayer clause [amended prayer clause (a)] of the Petition :-

“a) That this Hon’ble Court be its writ, order or direction of appropriate nature be pleased to quash and set aside the C. R. No. SLP LAC No. 31 of 2012 registered with Oshiwara Police Station, punishable under Section 3 & 7 of Essential Commodities (Special Provision) Act, which is pending on the file of Ld. Hon’ble Session Court At Dindoshi, Borivali Division, Mumbai arising out of said C. R. No. SLP LAC No. 31 of 2012 in E. C. SPL ACT 02 OF 2019.”

4. Mr. Ayub Khan submits that the subject matter of the present Application is the crime that was registered in the year 2012. He submits that upon completion of investigation, charge-sheet was filed before Sessions Court, Dindoshi and the same was initially registered as Criminal Case No. SPL LAC No. 31 of 2012 (subsequently Re-registered as E.C. SPL No. 02 of 2019). He submits that till date, charge is not framed in the said case. He on instructions from the Applicants, states that the Applicants do not intend to argue on framing of charge and that the charge can be framed by the Sessions Court, based on records placed before it. He submits that the request of the Applicants in this Application on instructions from the Applicants is restricted for an order to

expedite disposal of the said case bearing SPL No. 02 of 2019 (re-registered) which is pending from the year 2012. He submits that as per the list of witnesses filed by the prosecution, they have four witness to examine in the said case.

5. In view of the statement made by Mr. Ayub Khan learned Advocate for the Petitioners, Mr. Sukanta Karmakar, learned APP submits the prosecution will request the Sessions Court to frame charge on the next date fixed in the matter. He on instructions from the Investigation Officer, submits that prosecution will examine the witness at the earliest. He submits that the prosecution is interested in early conclusion of the trial in the said case, as such they do not object to the request made by Mr. Ayub Khan for a direction to dispose of the SPL No. 02 of 2019, expeditiously.

6. Mr. Ayub Khan reiterates that the Applicants do not intend to argue before framing of charge and the charge be framed by the Sessions Court on the basis of material available on record. Statement accepted. Sessions Court is requested to proceed with framing of charge in accordance with law.

7. In view of the peculiar facts of this case, more so the fact that the proceedings bearing SPL No. 02 of 2019 has been pending since the year 2012 (though re-numbered in 2019), the Sessions Court, Dindoshi is requested to make an endeavour to dispose of the said proceedings of Special E.C. 02 of 2019 expeditiously and at any rate within a period of one year from the date of framing of charge.

8. Mr. Ayub Khan on instructions states that the Applicants shall co-operate with the early disposal of the trial before the Sessions Court, Dindoshi and the Applicants shall not take any unnecessary adjournment. Statement made by Mr. Ayub Khan is accepted. Prosecution to take note of the statement made by Mr. Sukanta Karmakar, learned APP in para 5 herein above and act accordingly.

9. Ayub Khan undertakes to place this order before the concerned Sessions Court, within 15 days from today.

10. Criminal Application No. 329 of 2025 is disposed.

(ASHWIN D. BHOBE, J.)