

Order below Exh. 01 in Spl. MCOCA Case No. 921/2021

1. One of the accused Ajinkya @ Pappu Suresh Bhosale had filed Spl. Leave to Appeal (Cri,) No. 16784/2024 before the Hon'ble Supreme Court against the order rejecting bail by the Hon'ble High court. The Hon'ble Supreme Court facilitated this court to frame the charges against the accused. Accordingly, the charges were framed against the accused on 03/04/2025. The Hon'ble Supreme Court decided the said SLP on 20/05/2025 observing that '*We have only adjourned the matter on the previous occasion for the purpose of facilitating the charges to be framed which has being done now. In view of the same, we do not find any ground to interfere with the impugned order passed by the Hon'ble High Court. However, we only request the trial court to expedite the trial. Thus, the SLP was disposed off.*

2. Another accused namely Vinod @ Tom Popat More has filed Cri.B.A. No. 3351/2025 before the Hon'ble High Court. The bail was sought on the ground of long incarceration and the trial is not being proceeded with expeditiously. The Hon'ble High Court called report from this court as to why the trial is not concluded when the applicant is behind the bar for more than 5 years and this case is made time bound by the Hon'ble Supreme Court. It appears that it was the wrong submission before the Hon'ble High Court that this case is time bound. The report was submitted showing the grounds as to why the trial is not concluded and further clarifying that this case is not time bound but the trial is expedited by the Hon'ble Supreme Court.

3. The specific orders have been passed from time to time below Exh. 1 to ensure expeditious trial of this case. Ultimately, the prosecution

and the defence agreed to proceed with the trial of this case on day to day basis after completing the evidence of the informant. The informant accordingly stepped into the witness box on 19/01/2026. Since then the evidence of the informant is going on. Her evidence is deferred from time to time on the grounds as mentioned in the deposition itself. Today, when the matter was called which was fixed for further cross-examination of the informant, the informant was absent and the learned SPP was also absent when called. The husband of the informant who was injured in this case came with the medical certificate of the informant seeking an adjournment on the ground of illness of the informant. The learned advocate for the accused is present before the court. No formal adjournment application is yet filed till 11.35 a.m.

4. It is the common experience right from the first day of recording evidence of the informant that the learned SPP is keeping the court, witness and defence advocate waiting, for the difficulties best known to her and thereby the evidence of the informant is not being started on time. The advocate for the accused have filed pursis bringing this fact on record every time. The learned SPP was not allowing to conduct the cross-examination in her absence. The accused are being connected through V.C. during the trial and almost on every date, they are praying for expeditious trial of this case, as they have lost the hope of getting released on bail and they are behind the bar since last 5 years. One of the accused Ajinkya Bhosale was insisting this court to let him produced before the court, as he wants to plead guilty and the court may punish him in accordance with law. His learned advocate was submitting that this is out of acute frustration as the trial is not being conducted expeditiously.

5. The Hon'ble Supreme Court in a circulated Judgment in *Central Bureau of Investigation vs Mir Usman @ Ara @ Mir Usman Ali [2025 SCC OnLine 2066]* has taken serious note of the fact that the trials in criminal cases are not being conducted as per the procedure and particularly even by adhering to the directions given by the Hon'ble Supreme Court from time to time. All the earlier decisions are referred in this judgment and specific practice directions have been issued in this judgment, directing all the courts throughout the Country to follow them scrupulously. The Hon'ble Supreme Court in this judgment has also provided the remedies when the trial court faces the difficulty in proceeding with the trial expeditiously because of reluctance of either of the parties. Those remedies have been provided in para 37 of the judgment. In relation to this matter, the directions No. 6 and 7 are more important which they read as under -

6. The presiding officer of each court may evolve the system for framing a schedule of constructive working days for examination of witnesses in each case, well in advance, after ascertaining the convenience of counsel of both the sides.

7. The summons or process could be handed over to the public prosecutor in charge of the case to cause them to be served on the witnesses, as per schedule fixed by the court.

6. This court has attempted to follow these directions scrupulously. The parties were asked for the constructive working days for examination of the witnesses and both the sides have agreed to proceed with the trial on day to day basis after examination of the informant. However, the evidence of the informant is going on since 19/01/2026 and still it is not concluded.

7. The prosecution has filed the list of the witnesses (Exh. 147) proposing to examine 96 witnesses. The parties were asked for the

constructive working days to be fixed for examination of the witnesses and both the sides have agreed to proceed with the trial on day to day basis after examination of the informant.

8. I have been transferred to another station and will be in a position to hold charge of this court till the end of the month of May, 2026 excluding the summer vacation. According to me, even if this case is fixed on day to day basis and at-least one witness is examined on every day, it will not be possible for this court to decide this case before summer vacation, as maximum 24 days are working days in every month. Therefore, according to me, there is no risk either to the prosecution or to the defence to record the evidence of the witnesses before me, as I am not going to finally decide this case during my tenure. My endeavor, as a Presiding Judge of this court is to conduct the trial on day to day basis by following the directions of the Hon'ble Supreme Court scrupulously, irrespective whether I will decide this case or not or whether I will get admissible unit of disposal. The anguish expressed by the Hon'ble Supreme Court in the judgment of Mir Usman (supra) has to be taken serious note of and this court is duty bound to follow the same scrupulously.

9. During the dictation of this order, the learned SPP appeared and filed a medical certificate showing that the informant is not able to attend this court today for her illness. Her husband has come with the said medical certificate. He was asked to consult his wife, as to how many days are required for her recovery from her illness, as per the medical advice. He accordingly consulted with his wife and he states that the informant will come to face further cross-examination on 17/03/2026. Thus, both

parties who have earlier agreed to proceed with the trial of this case on day to day basis from tomorrow onward, feel it convenient to fix the matter on 17/03/2026. Considering the illness of the informant, the prayer appears to be reasonable and it should be granted. Hence, the order.

ORDER

1. The trial of this case be fixed on day to day basis from 17/03/2026 till its conclusion.
2. The witness summons to all the witnesses as per the list Exh. 147 be issued to the learned SPP and the prosecution may examine those witnesses on day to day basis.

Date: 09/03/2026

(S.R. Salunkhe)
Spl. Judge (MCOCA), Pune.