

Sessions Case No.9/2022,
State Of Maharashtra
through P. S.O. P.S., Shirpur.
-Vs-
Golu @ Pratik Chandrabhan
Wadaskar + 3

ORDER PASSED BELOW EXHIBIT-59

(Date: 02/07/2025)

This application has been filed on behalf of accused No.1 to be released on regular bail in this Sessions Trial arising out of Crime No. 269/2021 registered with Shirpur Police Station under Section 302 r/w Section 34 of Indian Penal Code thereby contending that the prosecution is not expediting the trial thereby concluding it within stipulated time in the light of earlier order passed by the Hon'ble High Court and by this Court.

2. Heard learned Advocate for the accused Mr. Sabale and learned A.P.P. Mr. More. Perused the application, say given by I.O through learned A.P.P at Exh.65 and entire record of the trial including evidence recorded till date.

3. Upon considering the rival submissions in the light of material emerged it appears that, till date 08 witnesses have been examined by the prosecution in this trial. The trial besides ocular version of witnesses is also containing the material of electronic evidence

in the form of C.C.T.V. footage and photographs. From all attending facts and circumstances it does not appear that there would be no progress or very much less progress in the trial. It is pertinent to note that previously Spl. P.P. Mr. Kakde was conducting the trial who had been chosen by the complainant. Thereafter, learned A.P.P. Mr. More has been appointed by the prosecution office.

4. It appears that Mr. More is making his entire efforts sincerely to expedite the trial. The trial considering its nature and evidence available is bulky. Learned A.P.P. fairly submits that he wants to adduce now 5-6 witnesses and he would make his whole hearted efforts to conclude the trial. To conduct the trial smoothly and fairly the presence and availability of learned defence is required. Although the learned Advocate for accused i.e. defence is cooperating to dispose of the trial. But, to accommodate them on each and every date, the dates were and are given as per the convenience of them in view of the fact that they are appearing in the trial by coming from district place Yavatmal.

5. Today, on behalf of defence learned Advocate Mr. Sabale and Mr. Ali have submitted that they are ready even for a continuous trial program of 3

or 4 days to conclude the trial expeditiously. In the light of other time bound trials made by Hon'ble High Court pending in this Court, old pendency of appeals, other U.T.P. trials, by keeping this trial on every Thursday with a directions to secure the presence of witnesses to be examined on due dates to the prosecution would suffice the purpose and these directions would address the issue of expeditious examination of witnesses and thus of expeditious trial. Also the Court is ready to keep the matter at a stretch for few days if the prosecution and defence counsel is ready, even though, the court would remain busy in other time bound trials so that this trial would be concluded as expeditiously as possible. For further few witnesses both prosecution and defence is ready to willing to keep this matter on every Thursday.

6. Considering seriousness of offence, earlier rejection of bail on merits, likelihood of concluding the trial within few months, readiness of prosecution to expedite the trial to secure the presence of witnesses, in view of above discussion and all attending facts at this crucial stage of trial, no case for regular bail is made out to accused No. 1. As a result the application is liable to be rejected by issuing certain directions to the prosecution to expedite the trial as early as possible. Hence, the following order -

ORDER

- 1) Application Exhibit-59 stands **rejected**.
- 2) Prosecution is directed to secure the presence of witnesses on further due dates any how after issuing summons. Trial be kept on every Thursday for further few days as per convenience of prosecution and defence.
- 3) Both parties to take note of.

(Dictated and pronounced in open court today in presence of both learned Advocate for accused and learned A.P.P.)

Kelapur.

Date : 02/07/2025

(A.M.Deshmukh)
Additional Sessions Judge-1,
Kelapur, Dist. Yavatmal.