



	D	Copy of Order dated 24.07.2025 passed by the Hon'ble Supreme Court directing framing of coordinated trial plan and extending timelines	
7.	E	Copy of Order dated 06.03.2024 passed by the Bombay High Court dismissing Criminal Application No. 141 of 2024.	
8.	F	Copy of Order dated 31.10.2025 passed by the Hon'ble Supreme Court granting six months' extension in RCC No. 573 of 2002 (Wardha).	
9.	G	Copy of Order dated 17.07.2025 passed by the Hon'ble Supreme Court directing endeavour to complete Osmanabad trial by November 2025.	
10.	H	A Table showing pending criminal matters that are being listed on a bi-weekly or tri-weekly basis across different districts.	
11.	I	A table demonstrating the number of non-bailable warrants being issued in different matters.	
12.		<b><u>VAKALATNAMA</u></b>	
13.		<b><u>LAST PAGE...</u></b>	

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The present Criminal Writ Petition is being filed in the peculiar circumstance where the Petitioner is required to simultaneously face multiple criminal prosecutions pending before different Courts at Mumbai, Nagpur, Wardha, and Osmanabad. Earlier, in view of the multiplicity of proceedings and commonality of issues, the Petitioner had approached this Hon'ble Court by filing Criminal Application No. 628 of 2014 and connected matters under Sections 482 and 407 of the Code of Criminal Procedure seeking transfer / consolidation of the various criminal cases. The said batch of applications came to be disposed of by a detailed judgment dated 09.07.2021, whereby the prayer for transfer was dismissed, however, the Hon'ble Court issued specific directions for expeditious conduct of the trials, including a direction that R.C.C. No. 147 of 2002 (Nagpur) be proceeded with preferably on a day-to-day basis and be completed within a stipulated time after commencement.

Subsequent to the said judgment, there has been a material change in circumstances. By order dated 09.09.2022, the Hon'ble Supreme Court transferred 16 criminal cases to Mumbai for coordinated consideration, and by order dated 04.08.2023, retained R.C.C. No. 147 of 2002 (Nagpur) and C.C. No. 847 of 2003 (Amravati) at their original forums. Thereafter, by order dated 24.07.2025, the Hon'ble Supreme Court directed framing of a structured trial plan and extended timelines in view of the practical difficulties noted in the Mumbai cluster. Parallely, the Hon'ble Supreme Court has, by orders dated 31.10.2025 and 17.07.2025, issued time-bound directions in respect of the Wardha and Osmanabad matters respectively.

As a consequence, several of the pending proceedings are now operating under strict and high-frequency schedules, resulting in overlapping dates, bi-weekly hearings and unavoidable logistical constraints. Despite bona fide cooperation, it has become practically impossible for the Petitioner to remain present before multiple Courts simultaneously, and on occasions Non-Bailable Warrants have been issued solely on account of such unavoidable absence.

In these circumstances, the Petitioner is constrained to approach this Hon'ble Court seeking a structured listing schedule whereby the Mumbai matters are heard in the first and third weeks of each month, and the matters at Nagpur, Wardha and Osmanabad are heard in the second and fourth weeks of each month or the vice versa.

#### **LIST OF DATES**

<b>DATE</b>	<b>EVENT</b>
2002	Registration of various FIRs relating to Government Securities transactions including R.C.C. No. 147 of 2002 (Nagpur), C.C. No. 847 of 2003 (Amravati), C.C. No. 573 of 2002 (Wardha) and C.C. No. 398 of 2002 (Osmanabad) and others.
2014	Petitioner files Criminal Application No. 628 of 2014 and connected matters before the Bombay High Court seeking transfer / consolidation of criminal cases.

09.07.2021	Bombay High Court (Principal Seat) dismisses the transfer applications, but issues directions for expeditious trial, including a direction for R.C.C. No. 147 of 2002 (Nagpur) to proceed preferably on day-to-day basis and to be completed within a stipulated period after commencement.
09.09.2022	Hon'ble Supreme Court transfers 16 criminal cases arising out of the same transactions to Mumbai for coordinated consideration.
04.08.2023	Hon'ble Supreme Court modifies the above transfer order and directs that R.C.C. No. 147 of 2002 (Nagpur) and C.C. No. 847 of 2003 (Amravati) shall remain at their original forums.
06.03.2024	Criminal Application No. 141 of 2024 filed by the Petitioner seeking modification of the 2021 directions is dismissed by this Hon'ble Court.
24.07.2025	Hon'ble Supreme Court directs framing of a coordinated trial plan and extends timelines in respect of the Mumbai matters.
17.07.2025	Hon'ble Supreme Court directs the Osmanabad Trial Court to expedite proceedings and endeavour to complete the trial on or before November 2025.
31.10.2025	Hon'ble Supreme Court grants further six months' extension for completion of trial in R.C.C. No. 573 of 2002 (Wardha).
2025 – Present	Multiple criminal proceedings against the Petitioner are operating under time-bound and

	high-frequency schedules, resulting in overlapping dates across districts and practical impossibility of simultaneous attendance.
	Hence the present Criminal Writ Petition is filed seeking a structured listing schedule whereby Mumbai matters are listed in the first and third weeks of each month and Nagpur, Wardha and Osmanabad matters are listed in the second and fourth weeks of each month or the vice versa.

**POINTS TO BE URGED:-**

The Petitioner submits that the matters pending against him are presently being listed on a bi-weekly and tri-weekly basis, and the dates across Mumbai, Nagpur, Wardha and Osmanabad are inevitably colliding. It is humanly and logistically impossible for the Petitioner to be personally present in courts situated in different districts on the same day or on consecutive days, despite his bona fide willingness to cooperate with all proceedings.

The Petitioner submits that as a direct consequence of such conflicting schedules, Non-Bailable Warrants are being issued against the Petitioner with alarming frequency, not on account of any deliberate or wilful absence, but because of the physical impossibility of simultaneous attendance. The issuance of NBWs in such circumstances is causing serious prejudice to the Petitioner's liberty and right to fair trial, and amounts to penalising him for a situation not of his making.

The Petitioner submits that the repeated issuance of Non-Bailable Warrants in circumstances where the accused is present in another court is contrary to the settled principle that coercive measures are a last resort and must not be employed where absence is explained, bona fide and unavoidable. This Hon'ble Court, in exercise of its supervisory jurisdiction, is well empowered to issue directions to subordinate courts to refrain from issuing NBWs in such circumstances and to instead adopt a pragmatic and coordinated listing approach.

The Petitioner submits that a structured alternate-week listing schedule offers a workable and non-prejudicial solution. If Mumbai matters are listed in the first and third weeks and Nagpur/Wardha/Osmanabad matters in the second and fourth weeks, or vice versa, the Petitioner will be in a position to attend all hearings without conflict.

The Petitioner submits that this Hon'ble Court, in exercise of its jurisdiction under Article 226 and its supervisory powers over subordinate courts, has full authority to issue such a listing direction to the concerned Trial Courts. The relief sought merely seeks a rational sequencing of hearings so that the constitutional right of the Petitioner to attend, participate and defend himself meaningfully in each proceeding is preserved.

**ACTS TO BE REFERRED:** i)BNSS

**POINTS FOR ARGUMENT:** Mentioned in Memo.

**AUTHORITIES TO BE CITED:**

The Petitioner craves leave to and reserves the right to rely upon and cite appropriate judicial authorities during the course of hearing of the present Petition.

Place:

Date: \_\_\_/03/2026

Advocate for Petitioner

**IN THE HON'BLE HIGH COURT OF BOMBAY:**

**NAGPUR BENCH : NAGPUR.**

**CRIMINAL ORIGINAL JURISDICTION**

**CRIMINAL WRIT PETITION NO. \_\_\_\_\_ OF 2025**

In the matter of Article 226 of the  
Constitution of India;

AND

In the matter of criminal  
proceedings pending against the  
petitioner in the State of  
Maharashtra

Sanjay Hariram Agarwal

Aged: 60 years, Occ.: Business

Add: 7, Hari Sava Street, Kidderpore,

Kolkata – 700023

...Petitioner

Versus

1) State of Maharashtra

...Respondents

**TO,**

**THE HON'BLE CHIEF JUSTICE AND OTHER HON'BLE  
PUISNE JUDGES OF THE HON'BLE HIGH COURT OF  
JUDICATURE AT BOMBAY.**

**HUMBLE PETITION OF THE  
PETITIONER ABOVE NAMED**

**MOST RESPECTFULLY SHOWETH:**

1. The Petitioner is constrained to approach this Hon'ble Court as he is presently facing multiple criminal prosecutions pending simultaneously before different courts within the State, each requiring frequent personal presence and several operating under time-bound directions. In view of overlapping hearing schedules before different courts, the Petitioner is placed in an inherently impossible position where effective participation in all proceedings is not feasible, resulting in coercive consequences despite his bona fide conduct and willingness to attend all proceedings. The continuation of proceedings in this fragmented and unsynchronised manner is causing serious prejudice to the Petitioner's right to fair trial and to defend himself meaningfully.
2. The petitioner was one of the accused in Regular Criminal Case No.147 of 2002 registered for the offences punishable under Sections 406, 409, 468, 471 and 120(B) of the Indian Penal Code, 1860, which was pending before the learned A.C.J.M., Nagpur for trial. Pending the trial, petitioner filed Criminal Application No.628 of 2014 before the Principal Seat of the High Court of Bombay for

clubbing of all the FIRs registered against him and other co-accused and for a joint trial, wherein the Principal Seat of the High Court of Bombay stayed the trial against petitioner. Pending the said criminal application, Public Interest Litigation No.25 of 2014 came to be filed before the Nagpur Bench of the High Court of Bombay for directing the learned A.C.J.M., Nagpur to expedite the trial of Regular Criminal Case No.147 of 2002. Since there was a stay to the trial against petitioner in Criminal Application No.628 of 2014, in Civil Application No.1701 of 2019 in Public Interest Litigation No.25 of 2014, the Division Bench of Nagpur Seat directed that the trial shall proceed against the remaining accused except the petitioner. Pursuant to this, the trial against other co-accused was started and concluded by the learned A.C.J.M., Nagpur. Meanwhile, Criminal Application No.628 of 2014 filed by the petitioner was dismissed by the Court vide order dated 09.07.2021 directing the learned A.C.J.M., Nagpur to complete the trial expeditiously and preferably on day to day basis and the same be completed within a period of four months after commencement of trial.

A copy of the order dated 09.07.2021 is annexed herewith and marked as **EXHIBIT 'A'**.

3. Thereafter, Transfer Petitions came to be filed before the Hon'ble Supreme Court seeking consolidation of various cases arising out of the same transactions. The Hon'ble Supreme Court, by judgment dated 09 September 2022,

was pleased to transfer 16 criminal cases pending in four different States to the Courts at Mumbai, keeping in view the common allegations and the necessity of a coordinated trial framework. True copy of the Supreme Court order dated 09.09.2022 is annexed herewith and marked as **EXHIBIT 'B'**.

4. The list of 16 cases that were transferred is as follows:
  - i. Criminal Case No. 101878/2003 arising out of FIR No. C.R. No. I64/2002, dated 30.07.2002 registered at Police Station Udhana, Surat, Gujarat, pending before Additional Chief Judicial Magistrate, Surat;
  - ii. Criminal Case No. 9166/2002 arising out of FIR No. ICR No.274/2002 dated 02.07.2002 at Police Station Umra, Surat pending before Additional Chief Judicial Magistrate Surat
  - iii. Criminal case No.174/2003 arising out of FIR no. 226/2002 dated 30.08.2002 registered at Police Station Rander, Surat pending before Additional Chief Judicial Magistrate Surat, Gujarat
  - iv. Criminal Case No. 100521/2003 arising out of FIR no. 274/2002 dated 06.08.2002 registered at Police Station Varachha, Surat pending before Additional Chief Judicial Magistrate/ Judicial Magistrate First Class, Surat, Gujarat
  - v. Criminal Case No.2778/2004 arising out of FIR/Mcase No. 3 of 2002 dated 16.07.2002 registered at Police Station Gandevi, Navsari

pending before Additional Chief Judicial Magistrate, Gandevi, Gujarat

- vi. Criminal Case No. 6840/2002 arising out of FIR No. I-93 of 2002 dated 18.08.2002 registered at Police Station, Navsai Town, Navsari pending before Chief Judicial Magistrate, Navsari, Gujarat
- vii. Criminal case No.2121/2002 arising out of FIR No. I-119/ 2002 dated 10.06.2002 filed at Police station Valsad City, Valsad pending before Chief Judicial Magistrate, Valsad, Gujarat
- viii. Criminal Case No.1578/2006 arising out of FIR/M. Case no. 29/2002 dated 13.06.2002 registered at Police Station, Vidya Nagar, Anand pending before Additional Chief Judicial Magistrate, Anand, Gujarat
- ix. Criminal Case No. SPCS No. 244/2002 arising out of FIR/M.case No. 22 of 2002 (C.R. No. I-226 of 2002)dated 7.6.2002 registered at Police Station Morbi pending before 2nd ACJM, Morbi, Gujarat
- x. Criminal Case No.40449/2016 arising out of FIR No. 280 of 2002 dated 04.05.2002 registered at Police Station Connaught Place, New Delhi pending before Additional Chief Metropolitan Magistrate, Patiala House Court, New Delhi
- xi. Criminal Case No.2034203/2016 arising out of FIR No. 242 of 2002 dated 17.06.2002 registered at Police Station Sarojni Nagar Delhi pending before

Chief Metropolitan Magistrate, Saket Court, New Delhi

- xii. Criminal Case No. Nil/2002 arising out of FIR No. 298 of 2002 dated 22.08.2002 registered at Police Station Jagatdal, 24 North parganas, West Bengal pending before Barrackpore Court, Kolkata, West Bengal
  - xiii. Criminal case No.147/2002 arising out FIR No. 97 of 2002 and 101 of 2002 both registered at Ganeeshpeth Police Station pending before 155-2nd Additional Judicial Magistrate First Class, Nagpur
  - xiv. Criminal Case No.C.C. No.847/2002 arising out of FIR at C.R. No. 75 of 2002 dated 15.05.2002 registered at City Kotwali Police Station, Amravati pending before Chief Judicial Magistrate, Amravati
  - xv. Criminal case No.C.C. No. 498/2002 arising out of FIR at C.R. No. 102 of 2002 registered at Pimpri Police Station, Pune pending before Chief Judicial Magistrate, First Class, Pimpri, Pune
  - xvi. Criminal Case No. C.C. No. 357/2002 arising out of FIR at C.R. No. 65 of 2002 dated 15.05.2002 registered at Police Station Vishrambaug, Pune pending before 3rdJudicial Magistrate First Class, Shivaji Nagar, Pune.
5. In the wake of the abovesaid order, MA/1935/2022 was filed by the State of Maharashtra seeking recall of the said order. As a consequence, the Hon'ble Supreme court vide

order dt. 04.08.2023 modified the above said order to the extent that criminal case number of 147/2002 at Nagpur and criminal Case No. 847 of 2002 at Amaravati was ordered to be retained at their original place. True copy of the Supreme Court order dated 04.08.2023 is annexed herewith and marked as **EXHIBIT 'C'**.

6. Subsequently, the Principal Judge, Bombay City Civil and Session Court, Mumbai exercised its power as per the law, by consolidating all the matters in order to be tried by one court, transferred all the 14 cases to the Add. CJM, 47th Esplanade Court, Mumbai where other cases of same accused were already pending, to expeditiously conclude the matters since they are pending due to multiplicity of the proceedings for so many years. However, instead of conducting them in a consolidated/analogous manner, the trial proceeded individually in each case.
7. Subsequently, the Chief Judicial Magistrate, Mumbai, by office order dated 27.02.2025, withdrew cases from the 47th Court and distributed them among three different courts (19th, 3rd, and 37th Courts, Mumbai).
8. Thereafter a Miscellaneous Application with Diary No. 24747/2025 filed by the petitioner seeking specific directions from the Hon'ble Supreme Court to address a deviation by the High Court and Trial court from its earlier order dated 09.09.2022, has been allowed through order dated 24.07.2025. Vide such order, the Hon'ble Supreme Court, reiterated the necessity of harmonised proceedings, and observed that a comprehensive and coordinated trial plan be framed so that all pending cases

may progress in an orderly and non-conflicting manner. The Hon'ble Court further granted extension of time of two years for completion of the Mumbai trials, thereby recognising that the earlier timelines were impracticable in the existing factual matrix. True copy of the Supreme Court order dated 24.07.2025 is annexed herewith and marked as **EXHIBIT 'D'**.

9. That a Miscellaneous Application (Diary No. 12692/2025) has been filed by the De-Facto complainant in criminal Case no. 1545/2003 seeking recall/modification of the order dated 09.09.2022. The said application is concerned with criminal Case no. 1545/2003 arising from FIR No. /M Case No 22/2022 registered at Police Station Morbi, Gujarat. In such application, vide the above said order dated 24.07.2025, the Criminal Case No.1545 of 2003 was retained at Morbi and was directed to be decided within two years.
10. That in between, the Petitioner filed Criminal Application No. 141 of 2024 before this Hon'ble Court under Sections 482 and 407 of the Cr.P.C. seeking modification of the earlier judgment dated 09.07.2021, inter alia praying for stay of proceedings in C.C. No. 147/2002 (Nagpur), C.C. No. 847/2003 (Amravati), C.C. No. 398/2002 (Osmanabad) and C.C. No. 573/2002 (Wardha) until completion of the Mumbai trials. However, by order dated 06.03.2024, this Hon'ble Court was pleased to dismiss the said application, holding that in view of the express directions issued by the Hon'ble Supreme Court in its order dated 04.08.2023, the timelines fixed for Nagpur

proceedings could not be interfered with, and further observing that the grievance of difficulty in attending multiple trials could be addressed before the respective Trial Courts. True copy of the Bombay High Court order dated 06.03.2024 is annexed herewith and marked as **EXHIBIT 'E'**.

11.Parallel to the above proceedings, in Wardha, the proceedings in RCC No. 573 of 2002 are under continuous monitoring of the Hon'ble Supreme Court, and by order dated 31 October 2025, a further extension of six months has been granted for completion of trial. True copy of the Supreme Court order dated 31.10.2025 is annexed herewith and marked as **EXHIBIT 'F'**.

12.Likewise, in Osmanabad, in C.C. No. 398 of 2002, the Hon'ble Supreme Court, vide order dated 17 July 2025 in SLP (Crl.) Nos. 10625–10626 of 2024, has directed the Trial Court to expedite proceedings and endeavour to complete the trial on or before November 2025. True copy of the Supreme Court order dated 17.07.2025 is annexed herewith and marked as **EXHIBIT 'G'**.

13.That currently the list of pending cases against the petitioner in the State of Maharashtra is as follows:

<b>S.No.</b>	<b>Case Number</b>	<b>Pending Before</b>
1	RCC/147/2002	2 <sup>nd</sup> Additional CJM NAGPUR
2.	RCC 573/2002	CJM-COURT WARDHA
3.	RCC 398/2002	Add.CJM-COURT

		OSMANABAD
4.	PW/255/2023	ADD.CJM COURT-47 , ESPLANADE , MUMBAI
5.	PW/256/2023	Add.CJM COURT-47 , ESPLANADE , MUMBAI
6	EOW PW 412/2007	Add.CJM COURT- 47,ESPLANADE , MUMBAI
7.	EOW PW200/2005	Add.CJM COURT-47, ESPLANADE , MUMBAI
8.	EOW PW/324/2002	Add. CJM COURT-19, ESPLANADE , MUMBAI
9.	PW 480/2023	Add. CJM COURT-19, ESPLANADE , MUMBAI
10.	PW 318/2023	Add. CJM COURT-19, ESPLANADE , MUMBAI
11.	PW/361/2023	ADD.CJM COURT-47 , ESPLANADE , MUMBAI
13.	PW/387/2023	Add.CJM COURT-47 , ESPLANADE , MUMBAI
14	PW 388/2023	Add.CJM COURT- 47,ESPLANADE , MUMBAI
15.	PW/389/2005	Add.CJM COURT-47, ESPLANADE , MUMBAI
16.	PW/390/2002	Add. CJM COURT-19, ESPLANADE , MUMBAI
17.	CBI SP CASE	SESSIONS COURT ,

	83/2003	MUMBAI
18	PW/396/2005	Add.CJM COURT-47, ESPLANADE , MUMBAI
19.	PW/395/2023	Add. CJM COURT-19, ESPLANADE , MUMBAI
20.	PW/399/2023	Add. CJM COURT-19, ESPLANADE , MUMBAI

14. That **EXHIBIT 'H'** annexed hereto demonstrates that several of the pending criminal matters are being listed on a bi-weekly or even tri-weekly basis across different districts.
15. That, in view of the various directions for expeditious disposal issued by different courts, several of the pending cases are presently proceeding under time-bound schedules, with hearings being fixed on a bi-weekly and even tri-weekly basis. Inevitably, most of these dates are overlapping and colliding with each other. As the Petitioner is required to remain personally present in different courts situated in different districts, it becomes humanly impossible to attend all such proceedings simultaneously, particularly when two matters are listed on the same day or on consecutive days involving inter-district travel. Consequently, when the Petitioner bona fide attends one proceeding but is unable to remain present in another due to travel and logistical constraints, Non-Bailable Warrants and other coercive measures are being issued against him.

16. That **EXHIBIT 'I'** annexed hereto is a table demonstrating the number of non-bailable warrants being issued in different matters.

**17. GROUNDS:**

- a. Because the Petitioner is simultaneously required to face multiple criminal trials in Mumbai, Nagpur, Wardha, and Osmanabad, several of which are under time-bound or high-frequency schedules, resulting in multiple matters being listed on the same or adjoining dates.
- b. Because the hearings in these matters are frequently being fixed on bi-weekly or tri-weekly basis, across different districts, making it practically impossible for the Petitioner to remain personally present in all courts despite bona fide efforts.
- c. Because whenever the Petitioner appears in one court and is unable to remain present in another due to travel and logistical constraints, Non-Bailable Warrants and coercive steps are being issued, though the absence is not deliberate or mala fide.
- d. Because the object of criminal proceedings is to ensure a fair and effective trial, the Petitioner must be afforded a realistic opportunity to participate in each case. When multiple matters are proceeding simultaneously under time-bound schedules in different districts, and personal presence is required frequently, it becomes practically unworkable to defend all cases meaningfully. A fair trial

necessarily includes a fair opportunity to attend, consult counsel, and conduct defence in an orderly manner, which is presently not feasible without a coordinated trial arrangement.

- e. Because of the time-bound directions in multiple matters, hearings are now being fixed as frequently as twice a week in different districts, making it practically impossible for the Petitioner to attend courts in different cities on the same or consecutive days, and the issuance of Non-Bailable Warrants on account of such unavoidable absence is wholly disproportionate and unjust. It is therefore necessary that a structured alternate-week listing schedule be directed so that the petitioner is allowed a fair trial in all pending proceedings.

### **PRAYER**

In the facts and circumstances aforesaid, it is most humbly prayed that this Hon'ble Court may be pleased to:

- A) issue appropriate writ, order or directions to the concerned Trial Courts to adopt a structured alternate-week listing schedule whereby the criminal cases pending against the Petitioner at Mumbai are listed in the first and third weeks of each month and the cases at Nagpur, Wardha and Osmanabad are listed in the second and fourth weeks, or vice versa;
- B) pending hearing and final disposal of this Petition, protect the Petitioner from coercive steps including issuance of Non-Bailable Warrants, where absence is on account of



Dated this \_\_\_\_ day )

March, 2026 )

Petitioner

Identified by me

BEFORE ME