

MHNG030023772002



RCC No. 3030147/2002
State -- Vs -- Sunil & Ors

ORDER BELOW EXH.3750

01. This is an application made by accused No.3 seeking adjournment. It is contended that, the Hon'ble Supreme Court has directed the Trial Court to fix trial programme. In order to avoid overlapping of dates, it is necessary to fix a trial programme. On the said ground, adjournment has been sought.

02. The Ld. Spl. APP has strongly opposed the application. It is submitted that, the date for recording evidence was fixed as per the convenience of the Ld. Advocate for accused. In all two witnesses are present before the Court since 10.45 a.m. The witnesses are old aged and suffering from various ailments like diabetes and hypertension.

03. Heard both sides.

04. Today, two witnesses, namely Smt. Sandhya Arun Dani, Aged 70 Yrs suffering from hypertension and diabetes and Shri Madhukar Bhayyaji Wakhare who has undergone bypass surgery in the year 2008 are present before the Court since 11.00 a.m.. Neither accused No.3 nor his Ld. Advocate were present at 11.00 a.m. The Ld. Advocate for accused No.3 appeared at 11.15 a.m. and orally submitted that, he would make adjournment application. The present application was made at 12.40 Hrs.

05. The charge in the case was framed on **26.11.2025**. Thereafter, on **01.12.2025**, the Ld. Spl. APP had made application Exh.3741 for issuance of summons to prosecution witnesses. The next date was fixed as **03.12.2025**. However, the witness summons could not be served. Thereafter, on **06.12.2025**, the Ld. Spl APP had made application Exh.3744 for re-issuance of witness summons and its service through the CID. On **09.12.2025**, it was reported that, a witness namely Bhaurao Aswar is no more. Thereafter, application Exh.3749 was made for issuance of witness summons to other witnesses. The next date was fixed as **12.12.2025**. As stated above, two witnesses are present in response to the witness summons.

06. In the application Exh.3752, accused No.3 has made reference to the order of Hon'ble Supreme Court dated **24.07.2025**. That means, accused No.3 was well aware of the said order since before framing of charge in present case. The Ld. Advocate for accused No.3 was also well aware of the issuance of witness summons in the present case. It is evident that, the present application has been made only in order to protract the trial as two witnesses are present since 11.00 a.m. On the basis of the directions of Hon'ble Supreme Court in *Central Bureau of Investigation Vs. Mir Usman @ Ara @ Mir Usmand Ali vide Petition(s) for Special Leave to Appeal(Crl.) No(s). 969 of 2025 (2025 INSC 1155)*, the Hon'ble High Court of Bombay has issued Circular No. Insp-I/178/2025, dated 08.10.2025 in respect of expeditious disposal of criminal cases. The said directions are in respect of conducting criminal proceedings expeditiously by examining the witnesses in attendance. As regard to

the prayer made in application Exh.3752, admittedly, the said directions are in respect of the 14 cases pending before the Hon'ble Addl. C.J.M. 14th Court Esplanade, Mumbai. As stated above, the present application has been made only in order to delay the trial. The present case has been made time bound by the Hon'ble High Court. Thus, no exceptional case is made out for granting adjournment. Hence, the application is rejected with cost of Rs.2000/- payable by accused No.3 to the DLSA Nagpur.

Nagpur.

Date : 12.12.2025

(M.V. Phade)
2nd Addl Chief Judicial Magistrate
(Spl. Court for S.138 N.I. Act),
Nagpur.