

MHNG030023772002



RCC No. 3030147/2002

State -- Vs – Sunil & Ors

**ORDER BELOW EXH.3752**

01. This is an application made by accused No.3 for fixing a trial programme.
02. Read the application and say filed. Heard both sides.
03. Accused No.3 has produced below list Exh.3754, copies of order dated 24.07.2025 passed by the Hon'ble Supreme Court in Misc. Application Nos. 754-769 of 2025 in Transfer Petition(Criminal) Nos.333-348 of 2021, order dated 17.07.2025 in Petition(s) for Special Leave to Appeal(Crl.) No(s).10625-20626/2024, order dated 09.07.2021 in Criminal Application No.628/2014, daily status in RCC No.0300573/2002 and list of weekly dates till 14.12.2025.
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. The order referred in present application is 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.

07. In Criminal Application No.141/2024 filed by accused No.3, the Hon'ble High Court of Bombay has made following observations in para 7 and 13 of the order dated 06.03.2024.

*“It is further clarified that, the concerned Trial Court at Nagpur shall make all endeavours to comply with the timeline as given by the Bombay High Court and shall decide the case in accordance with law. It is to be noted that the Bombay High Court has given separate timeline to conclude the trial of other Accused and that of the present Applicant.”*

*“Mr. Khan, Ld. Counsel for the applicant submitted that, as all trials are expedited and are in progress at Mumbai, Nagpur, Amravati, Wardha and Osmanabad, the applicant is not in a position to attend the trials and that is the main reason for pressing the above mentioned prayer. However, insofar as the said difficulty of the Applicant, if the Applicant's presence is not required then he may prefer an exemption Application and the concerned Court to pass orders on such exemption Application in accordance with law.”*

08. By order dated 09.07.2021 in Criminal Application No.628/2014, the Hon'ble High Court has given following directions.

*“We make it clear that after completion of trial in said CC No.147/2002 (Crime No.101/2002 registered with Ganesh Peth Police Station, Nagpur) against other accused except the applicant, the trial against applicant be commenced by conducting the same expeditiously and preferably **on day to day basis** and the same be completed **within a period of four months** after commencement of trial against present applicant”.*

09. The charge against accused No.3 has been framed on 26.11.2025. Thus, the time limit to complete the present trial has commenced from **26.11.2025** and **will expire on 26.03.2026**. There are directions for conducting the trial on **day to day basis**. As stated above, the accused and his Ld. Advocate were well aware of the issuance of witness summons to prosecution witnesses. It is not that, the trial programme in other cases has been fixed. Thus, the question of overlapping of dates would not arise. It is evident that, the present application has been made only in order to create a ground for seeking adjournment today and to delay the trial. As regard to the presence of accused No.3, as quoted above, the accused can prefer exemption application. Thus, the application is liable to be rejected. Hence order.

**ORDER**

Application Exh.3752 stands rejected.

Nagpur.

Date : 12.12.2025

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