



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2244 OF 2023

Jahid alias Javed Liyakat Ansari .. Applicant

Versus

The State of Maharashtra .. Respondent

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Mr.Syed Asif Abbas Naqvi with Amreen
Sheriff for the Applicant.

Mr.S.R.Agarkar, A.P.P. for the State/Respondent.

API Chavan, attached to Rabale MIDC Police Station, present.

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CORAM: BHARATI DANGRE, J.

DATED : 11th DECEMBER, 2023

P.C:-

1. On 06/07/2022, the Application was withdrawn, when I expressed my disinclination to entertain the same. However, considering the pandemic situation, as the trial did not progress during the said period, the Court trying the accused for the offence punishable under Section 302 of the Indian Penal Code, was requested to make an endeavour to commence the trial and conclude the same within one year.

Six months more than the period granted has expired, and surprisingly I am informed that till date, leave aside the conclusion of the trial, even the charge is not framed.

It is also informed to me that the sessions trial is now transferred to the Court of District Judge and Additional Sessions Judge, Belapur and the learned counsel for the Applicant would submit that there is no production of the Applicant/Accused before the said Court.

2. With a heavy heart and with great regret, I must note that the judicial system has probably forgotten about this Applicant, as he has not been produced before the Court and despite his arrest some five years back, the Court has not even bothered to frame the charge.

The response which is certainly expected from the Belapur Court, would be the sessions case is transferred to it lately and earlier it was with the Thane court. Thane Court, would now raise its hands, by submitting that the said Court is not in seisin of the trial and it is transferred to the Belapur Court.

3. The aforesaid situation definitely depict a sorry state of affairs, when time and again the Apex Court has warned about the right of an accused and specifically right to have speedy trial.

Though on the ground of long incarceration, I could have released the Applicant on bail, I deem it appropriate to have an explanation from the District Judge, Thane as well as the District Judge and Additional Sessions Judge, Belapur, as at some or the other time, the system must fix an accountability on individuals, rather than talking about the delays in the

process on account of huge pendency. An accused, who is incarcerated as an under-trial prisoner for last five years, definitely deserve an answer.

4. Let the District Judge, Thane as well as the District Judge and Additional Sessions Judge, Belapur offer their explanation about why the charge has not been framed and as to on how many dates, the accused was not produced before it. Let the explanation be furnished on or before 18/12/2023.

The above order shall be communicated to the concerned Courts through the Registrar (Judicial I), apart from the learned A.P.P.

5. To be listed on 18/12/2023 at 2.30 p.m.

(SMT. BHARATI DANGRE, J.)