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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.466 OF 2021

Mr.Azaruddin Nihaluddin Mirsilkar @ Raju Sharma] .. Applicant
vs.
State of Maharashtra & Anr.] .. Respondents

Mr.B.B. Tiwari with Azim Kazi and Aaisha F. for Applicant.
Smt.Rutuja Ambekar, APP for State.
PSI Sudhir Korgaonkar, Kasturba Marg Police Station present.

CORAM : BHARATI DANGRE, J

DATE : 1ST AUGUST, 2022.

P.C.

1] In terms of earlier directions, the Principal Judge has submitted report dated 02.07.2022. As per the said Report, there are 7 designated POCSO Courts in the City Civil Court (main branch) and six POCSO Courts at Dindoshi, out of which two courts are vacant.

2] The chart indicates pendency of the POCSO cases before each court and it also affirm that Special PP and Interpreter are assigned to each Court.

3] Looking to the pendency of the POCSO cases before the aforesaid Courts, it can be said that the Special Courts are also under severe pressure of concluding the trials and therefore it is not

uncommon as far as this case is concerned that in Special Case No.420/2016, trial is not yet concluded. It is informed that the said trial is pending with CR No.13 in Dindoshi Court, where the learned Judge is seized of 240 POCSO cases.

4] While going through the information supplied by the Principal Judge, the startling feature which is noticed by me is allotment of 1228 cases with CR No.11 and 1070 cases with CR No.12. In contrast, CR No.9 is shown to have 138 cases and CR No.10 is having 116 cases. The disparity in the distribution of cases is not understood. Therefore, the learned Principal Judge shall explain the same.

5] Apart from this, since two posts are vacant, let the learned Principal Judge also apprise this Court about steps taken to fill up the vacant posts so that necessary directions can be issued for designated two courts for expeditious disposal of the cases, figure of which is alarming and the accused like present applicant are waiting for trial to be concluded since so many years.

6] Since the issue is being dealt with in this application, let the learned Principal Judge also give bifurcation of the years from which the cases are pending so that the reasons thereof can be ascertained and direction can be issued by this Court so that trials can be expedited.

7] One of the reasons appear to be delay in recording the statement of the victim as in the present case, statement of the victim came to be recorded after 8 years.

Necessary directions are required to be issued to the Magistrates in connection with recording statement of victim immediately, as the delay at times, change the course of the trial.

8] The learned Principal Judge shall submit further report and analyze causes for delay in concluding the POCSO cases and why concerned courts are unable to adhere to the mandate, provided under the special statute keeping in mind objective underlining the same being less inconvenience and humiliation to be faced by the victim and by ensuring speedy trial.

9] Asfaras Special Case No.420/2016 is concerned, since it is informed that two witnesses are already examined and 10 more witnesses are to be examined, the concerned Court seized of the said case is directed to conclude the trial as expeditiously as possible and in any case not less than 6 months from today.

In case, if the trial is not concluded within six months as directed, the Applicant is at liberty to request for release on bail on the ground of long pendency of the case.

10] The application is disposed of with above directions.

11] List the matter on 29.08.2022 for compliance on the directions issued to the Principal Judge.

The said order shall be communicated to the Learned Judge through Registry as well as learned APP.

[BHARATI DANGRE, J]