

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Crl.) No.7964/2025

[Arising out of impugned final judgment and order dated 22-08-2024 in CRBA No. 2678/2024 passed by the High Court of Judicature at Bombay]

SHUBHAM GANPATI @ GANESH RATHOD

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA

Respondent(s)

(IA No. 113782/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No. 113784/2025 - EXEMPTION FROM FILING O.T.)

Date : 07-10-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KAROL

HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) :Mr. Anand Dilip Landge, AOR
Mrs. Sangeeta Nenwani, Adv.
Ms. Revati Pravin Kharde, Adv.
Mr. Shreenivas Patil, Adv.
Mr. Rahul Prakash Pathak, Adv.

For Respondent(s) :Mr. Prashant Shrikant Kenjale, AOR
Mr. B Dhananjay, Adv.
Ms. Damini Vishwakarma, Adv.
Ms. Srishty Pandey, Adv.

Mr. Shrirang B. Varma, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. On 09.09.2025 we had passed the following order:

"1. Pursuant to the last order dated 19.08.2025, we notice that the Respondent State has filed its affidavit. A crucial fact, however, is missing from the same. The reasons as to why framing of charges is yet

pending before the concerned Court when the challan in the case stood presented on 08.07.2021, and the record does not reflect any order for further investigation having been passed.

2. No authorities are required to be cited to the effect that the right to speedy trial is a facet of Article 21 of the Constitution of India. The petitioner has been in jail for more than 4 years since 11.04.2021, and today his status remains the same as it was on day one of his incarceration. Charges would have to be framed, the process of trial will take its own time and by the time a final conclusion is reached, he would have remained behind bars for many years on end.

3. In these circumstances, we pass the following directions:-

“(a) The Registrar General, High Court of Judicature at Bombay, to ascertain from the concerned Trial Judge, the reasons for such delay and file an affidavit to that effect within two weeks from today;

(b) Undertake an examination of similarly situated incarcerated persons, in whose cases framing of charges remains pending despite presentation of challan at least four years ago, across all districts of the State; and

(c) The learned Chief Justice of the High Court be apprised of the passing of this order.”

4. The affidavit *qua* point(b)above be filed within two weeks from today as the data in a digital form would already be available with the High Court/District Court.

5. The Registrar (Judl.)to transmit a copy of this order to the Registrar General of the High Court forthwith for necessary action and compliance.

6. List on 07.10.2025 for necessary orders.”

2 The Registrar General of the High Court of Judicature at Bombay has filed an affidavit annexing certain documents which we have perused. To say the least, it is a reflection of a very shocking state of affairs, insofar as the conduct of trials before different Courts in the State of Maharashtra is concerned.

3. The said affidavit reveals that there are at least 649 cases in which charges are yet to be framed, despite filing of the charge sheets, in certain cases way back in the year 2006, 2013, 2014 and onwards till the year 2020. The reasons assigned for delay are multiple, including, and most significantly, in almost every trial, either non-production of accused or non-appearance of the advocate, be it the prosecutor or the defense.

4. In Maharashtra, there are 36 districts. This Court has, in the past, issued several directions requesting the High Courts to monitor and ensure that trials are conducted on an expeditious basis, be it on the judicial or administrative side.

5. As such, before we issue any further directions, we direct the Registrar General of the High Court of Judicature at Bombay to call for information from each District & Sessions Judge, as to what steps stand taken ensuring framing of charges as prescribed in law; including but not limited to, cancelling the bail of such of those accused who are not co-operating; whether non-cooperation on the part of the accused is a reason considered at the time of grant of bail; and action taken against the prosecuting agency wherever trial is delayed.

6. We notice that the High Court itself had issued a Circular on 19TH April, 2025 directing all concerned Judges to ensure production of prisoners either physically or virtually as per the requirements/stage of trial. Subsequently, vide Circular dated 06th June, 2025 directed all concerned Judges to ensure production of undertrial prisoners before the Courts on every date either

physically or virtually and to accept the genuine requests of the jail authorities for virtual production of the prisoner, should they not be able to do so physically. Whether such directions issued by the High Court stand complied with or not and to what effect and extent, also needs to be ascertained. The affidavit filed pursuant to this order shall indicate the same.

7. The Registrar General shall also apprise the steps taken for complying with the directions issued by this Court in the case of "*Hussain & Anr. vs. Union of India*" (Criminal Appeal No. 509/2017, etc.) reported in (2017) 5 SCC 702 and latest direction issued in the case of *Siddhant @ Sidharth Balu Taktode vs. State of Maharashtra & Anr.* (Criminal Appeal No. 5438 of 2024).

7. The Registrar General shall also apprise the learned Chief Justice of the High Court of the passing of this order.

8. Affidavit of the Registrar General shall be filed within ten days.

9. Mr. Prashant S. Kenjale, learned counsel undertakes to communicate the order to the Registrar General of the High Court of Judicature at Bombay during the course of the day.

10. List on 17.10.2025.

(RAJNI MUKHI)
ASTT. REGISTRAR-cum-PS

(ANU BHALLA)
COURT MASTER (NSH)