

News

Unbelievable: The Supreme Court has identified hundreds of criminal cases in Maharashtra in which charges have not been filed for decades.



The Court described the situation as a "**shocking state of affairs**" after discovering that some charge sheets had been waiting since 2006 and that proceedings had been put on hold for a number of years.

The Bombay High Court recently disclosed that charges have not been framed in at least 649 criminal cases, despite the fact that charge sheets in some of those cases were filed as early as 2006 [Shubham Ganpati @ Ganesh Rathod vs. The State of Maharashtra]. The Supreme Court recently voiced serious concern over what it called a "shocking state of affairs" in

Maharashtra.

Although the reasons given for these delays varied, a bench of Justices Sanjay Karol and NK Singh observed that one problem was shared by all districts: the accused's or advocates' (prosecutors' and defense attorneys') failure to appear.

The Court ordered the High Court to carry out a more thorough investigation because it deemed this pattern intolerable. It directed the Registrar General to request reports from each District and Sessions Judge in Maharashtra, outlining the measures taken to guarantee that charges were filed promptly and whether disciplinary measures or bail cancellations had been taken into consideration in cases of non-cooperation.

The court was considering a plea from Shubham Ganpati, also known as Ganesh Rathod, who has been detained since April 2021 and whose trial has not yet begun. The top court concluded that the case had not advanced even a single step toward charge framing, even though the chargesheet had been filed in July 2021.

In a previous order dated September 9, the bench instructed the Bombay High Court's Registrar General to provide an explanation for why Rathod's case had not advanced and to collect information on other undertrials in Maharashtra whose charges had not been filed despite chargesheets being filed more than four years prior.

The bench had noted that extended pre-trial incarceration went against the Constitution's Article 21 guarantee of a quick trial.

The accused had been in detention for over four years, yet the court observed that his position had not changed since the first day of his confinement. The High Court was then instructed to investigate all cases that were comparable throughout the State and determine the cause of the delay.

The Registrar General produced an affidavit in conformity when the issue arose on October 7. The Court considered the affidavit's contents concerning.

We have reviewed the affidavit that the Registrar General of the Bombay High Court of Judicature filed, which includes a number of documents. Insofar as the way proceedings before various courts in the condition of Maharashtra are conducted, it is, to put it mildly, a reflection of a very startling condition of affairs," the Court stated.

Hundreds of cases with charge sheets filed between 2006 and 2020 but no charges framed were found in the affidavit, the bench remarked.

"Despite the filing of charge sheets in some cases back in 2006, 2013, 2014, and onwards until the year 2020, the affidavit reveals that there are at least 649 cases in which charges have not yet been framed," the Court stated.

Prior to giving more instructions, the bench emphasized the need of accountability.

In order to prevent needless adjournments, it pointed out that the High Court had already issued circulars earlier this year requiring the physical or virtual production of inmates awaiting trial. However, the Supreme Court sought to determine if such guidelines were being adhered to in practice.

Within ten days, the Registrar General was instructed to submit a new affidavit detailing adherence to the most recent directives and informing the Chief Justice of the Bombay High Court of the Supreme Court's findings.

On October 17, the matter will be heard again.

Advocates **Anand Dilip Landge, Sangeeta Nenwani, Revati Pravin Kharde, Shreenivas Patil, and Rahul Prakash Pathak** represented the petitioner.

Advocates B Dhananjay, Damini Vishwakarma, Srishty Pandey, Shrirang B Varma, Siddharth Dharmadhikari, Aaditya Aniruddha Pande, and Prashant Shrikant Kenjale represented the State.