

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1196 OF 2013

Mr. Rajendra Vinatyak Mehta ..Applicant

Vs.

Mrs. Veena J. Shah and Ors ..Respondents

Smt. Smita Patel power of attorney holder for the Applicant.

Ms. Mhaispurkar,APP, for the Respondent State.

CORAM :- M. L. TAHALIYANI, J.

DATE :- DECEMBER 24, 2013.

P. C.:

Not on Board. Taken on Board.

2 The Applicant has filed criminal complaint against the respondent in the 10th Court, Andheri- Mumbai pending since 2001. The recording of evidence has began on 31st August 2013. I have gone through the notes of evidence and I am very much disturbed to see that the evidence is recorded in piecemeal. The learned Magistrate has not recorded more than one or two pages of evidence on a particular date of hearing. If the evidence is recorded in this manner, I am afraid, the recording of evidence itself may take few years. In the circumstances, it is necessary to issue certain directions to the Magistrate to follow some discipline in recording of evidence of Applicant/complainant and his witness.

3 The other grievance of the Applicant is that his power of attorney is not allowed to conduct the case. That also can be taken care of by passing the following order.

(I) The learned Magistrate is directed to hear the Criminal Case No.48/SS/2005 (New Number) at least twice in a week.

(II) He shall devote at least two hours for recording of evidence of the Complainant so that the evidence is not recorded in piecemeal.

(III) The learned Magistrate is directed to allow the Power of Attorney holder of the complainant to appear and conduct the case on behalf of the Complainant/Applicant.

(IV) The application stands disposed of.

(*M. L. TAHALIYANI , J.*)