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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPELLATE JURISDICTION
MISC. APPLICATION NO. 136 OF 2015
IN
CR. APPLN. U/W.482 NO. 82 OF 2015**

Jawahar Nadar

... Applicant

Versus

Priyesh Bheda and anr.

... Respondents

Mr. Vijay Kamat for the applicant.

Mr. Priyeh Bheda respondent no. 1 in person.

Mr. Ajay Patil A.P.P. for State.

**CORAM : M.L. TAHALIYANI, J.
DATED : MARCH 17, 2015**

P.C.

Heard learned advocate for the applicant, respondent no. 1 in person and learned A.P.P. for respondent no. 2. .

2. The application is for modification of the order passed by this court on 4th February, 2015 directing expeditious trial of the Criminal Case No. 11/PS/2009 pending in the court of Metropolitan Magistrate, 35th Court, CST Railway, CST Mumbai. The applicant is one of the

accused in the said case. His sister is co accused. It is submitted by the learned counsel that because of the order of this court for expeditious hearing of the case, the learned Magistrate is pressing for appearance of the co-accused, who is at present in U.S.A.

3. It is to be noted that the co-accused is not permanently staying in U.S.A.. Therefore, it is not the case that she may find it difficult to come to India to face the trial . However, at the same time, learned Magistrate is required to note that the appearance of the co accused on all the dates of the case may not be necessary as the complainant/respondent and accused are known to each other since long. As such the question of identification will not arise. For all these reasons, I pass the following order :

(a) Application is dismissed. However, it is directed that the learned Magistrate shall exempt accused No. 1 in Criminal Case No.11/PS/2009 from personal appearance till her personal appearance is necessary in the court for further hearing of the pending case.

(b) Application stands disposed of. The trial should be concluded within the period of two months from today.

(JUDGE)