

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO.766 OF 2015**

Vijay Lakhani and others

..Petitioners.

versus

The State of Maharashtra and another

..Respondents.

Mr. Manish Bohra i/b A.S. Khan & Associates for the Petitioners.

Mrs. S.D. Shinde, Addl. P.P. for the State.

Mr. Udaipuri i/b Udaipuri & Co. for Respondent No.2.

CORAM : A.S. GADKARI, J.**26th June, 2015.****P.C. :**

By this Writ Petition filed under Article 227 of the Constitution of India the Petitioners who are the original accused in Case No.193/SW/2006 have challenged the order dated 31st January, 2015 passed below Exhibit 32 thereby rejecting the exemption application filed by the Petitioners.

2. Heard the learned counsel appearing for the respective parties and also perused the entire record made available before me.

3. It is to be noted here that the complaint filed by the original complainant is of the year 2006 and is pending on the file of 2nd Additional Chief Metropolitan Magistrate, Mazgaon since then. The stage of the trial as can be seen is at the stage of recording of evidence before framing of the charge. The record discloses that the

Petitioners herein have sought exemption from appearing before the learned Trial Court atleast on 35 occasions. The record further discloses that this Court by its order dated 28th April, 2015 directed the Petitioners herein to appear before the Metropolitan Magistrate on 6th May, 2014 with a view to proceed with the trial in accordance with law.

4. It appears to me that the Petitioners herein have till date succeeded in protracting the litigation and/or dodging the trial. In the circumstances, I am of the opinion that it is necessary to direct the Trial Court to complete the trial within a period of four months from the date of receipt of this order. I hereby direct the Petitioners to attend the trial on every day without any excuse. The Trial Court is hereby further directed to take up the trial as far as possible on day to day basis and take it to its logical end without seeking any extension for the same. Mr. Udaipuri, learned counsel for the Respondent No.2 submits that there are about 100 documents on which his client relies, in support of his case and he is in the process of compiling the same with a view to place it before the Trial Court to save the time of the Trial Court while exhibiting the same.

5. Be that as it may, in view of the aforesaid directions given today in this Writ Petition, no further directions are necessary and the Trial Court shall proceed as per the provisions of law.

6. In view of the above directions, no interference is called for in the impugned order dated 31st January, 2015 passed by the Trial Court and the Petition is disposed of in the aforesaid terms.

(A.S. Gadkari, J.)