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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.414 OF 2014
IN
CRIMINAL APPLICATION NO.2490 OF 2004

Kanaiyalal Sethia and Anr. ... Applicants

V/s.

The State of Maharashtra and Anr. ... Respondents

Mr.Manjula Rao and Mr.Manish Rai, for the Applicants.

Ms.P.P.Shinde, APP for the Respondent – State.

Ms.Sippy Patwari, Respondent No.2 present in person.

CORAM : REVATI MOHITE DERE, J.

DATED : 4th MARCH, 2015.

P.C.

1. Heard learned counsel for the applicants and learned APP for the Respondent – State.

2. By this application the applicants seek modification of the order dated 17th June, 2004 and prays that the applicants be permitted to be represented through their Advocate and their presence be exempted on each and every date. It appears that vide order dated 17th June, 2004, passed in Criminal Application No.2490 of 2004, this Court had directed

the Metropolitan Magistrate to make an endeavor to complete the case as expeditiously as possible and preferably within a period of six months from the date of receipt of this order. Vide letter dated 9th June, 2014 the Metropolitan Magistrate, 27th Court, Mulund Mumbai had sought extension of time, of six months for disposal of C.C.No.544/P/1995. (State v/s Kanaiyalal Sethia), which was granted.

3. Learned Counsel for the applicant states that despite the direction granting extension of time, till date the trial has not concluded. She submitted that the applicants are senior citizen and are residents of Hyderabad and are required to come for the hearing of the case, on every date.

4. Both the parties do not dispute, that the trial should be over in a time bound manner and as expeditiously as possible.

5. Considering the peculiar facts of the case, and in the interest of justice, the learned Metropolitan Magistrate, 27th Court, Mulund, Mumbai to decide the case, as expeditiously as possible, and in any event on or before 30th June, 2015.

6. If an application for exemption, is made by the Senior Citizens, the same shall be considered by the learned Metropolitan Magistrate, on its own merits, and in accordance with law.
7. Both the parties shall co-operate in the conduct of the trial and no unnecessary adjournments, will be sought.
8. Application is accordingly disposed of with the aforesaid directions.

(REVATI MOHITE DERE, J.)