

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2919 OF 2015

Ajit Jagdish Puri	...	Petitioner
vs.		
The State of Maharashtra	...	Respondent

Mr. S.G.Rajput, Advocate, for the petitioner .

Ms. G.P.Mulekar, APP, for the State

CORAM: SMT.SADHANA S.JADHAV,J.

DATE : 26th August, 2015.

P.C.

Heard. The learned APP waives service for the respondent.

2. Rule. Rule made returnable forthwith with consent of the parties.

3. The petitioner herein is charge-sheeted in C.C. No.853/PW/2006 for the offences punishable under Sections 419, 420, 465, 467, 471, and 34 of the Indian Penal Code.

4. The learned counsel for the petitioner submits that in fact no offence is made out. The compilation of the charge-sheet also does not contain sufficient material to proceed against the accused by framing charge and, in these circumstances, the present petitioner had filed an application under Section 239 of Cr.P.C. seeking discharge in July 2010. The learned counsel

for the petitioner submits that the application seeking discharge is pending before the Magistrate for the past five years and he has to go through the ordeal of the pendency of the proceedings. He, therefore, prays that the learned Magistrate shall be directed to decide the discharge application expeditiously. It is true that due to the delay in trial, the petitioner has to go through the trauma of the pendency of the proceedings.

5. Hence, the petition deserves to be allowed in terms of prayer clause (a). The learned Magistrate, 22nd Court at Andheri, Mumbai, is hereby directed to hear and decide the discharge application filed by the petitioner in C.C. No.853/W/2006 within four weeks from the date of receipt of this order.

Rule made absolute. Petition stands disposed of.

(SMT.SADHANA S.JADHAV, J.)