

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPLICATION NO. 748 OF 2015

Pushpa Nirbhaykumar Singh

.....Applicant

V/s.

The State of Maharashtra and others

....Respondents

None for Applicant

Mr. Nitin Dalvi for respondent no. 3

Mr. Arfan Sait APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : OCTOBER 28, 2015.

PC :

Report of Chief Metropolitan Magistrate, 47th Esplanade Court is received. Learned Magistrate has submitted that charge was framed on 02/09/2013 against the accused for offences punishable under section 406, 409, 420 r/w 34 of Indian Penal Code. Evidence of informant i.e. P.W. 1 was recorded on 21/06/2014, 27/06/2014 and 16/07/2014, 19/08/2015 and 01/09/2015. Matter was adjourned at the request of Special P. P. seized with the matter.

2) On 03/11/2014, Investigating Officer was absent and bailable warrant was issued against him. On 12/11/2014 and 24/11/2014, the witnesses were not present. Subsequently an adjournment was sought

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for production of documents. On 18/02/2015, complainant i.e. present applicant had orally prayed for an adjournment and the matter was adjourned for recording of further evidence. On 10/04/2015, accused had prayed for an adjournment and it was granted. Learned Magistrate has reported that the matter was posted for recording of further evidence of the complainant on 16/09/2015. Till today, recording of examination-in-chief is in progress. It is therefore, clear that learned Magistrate has taken steps for expediting the trial as far as possible.

3) Prayer in the petition is for seeking directions to expedite the hearing and disposal of C.C. No. 918/PW/2011. Learned Magistrate shall not grant unwarranted adjournments to either of the parties. Learned Magistrate shall proceed with the trial inconsonance with section 309 of Code of Criminal Procedure, 1973.

4) Application is allowed in terms of prayer clause 'a'. Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)