

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 3531 OF 2015

M/s. Deligent Road Carriers Ltd.

..Petitioner

v/s.

The State of Maharashtra .

..Respondents

Mr.Rakesh Piprodia i/b. RMP Legal for the Petitioner.
Mr.J.H.Ramugade, APP for the State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : OCTOBER 07, 2015.**

P.C.

1. The petitioner herein is the complainant in C.C.No.2704/SS/2013 pending on the file of the Metropolitan Magistrate's 23rd Court, Esplanade, Mumbai.
2. The grievance of the petitioner is that the complaint was filed in the year 2013 and till date no process has been issued. The report of the Metropolitan Magistrate was called for. The report has been received from the learned Metropolitan Magistrate, 23rd Court, i/c. of 64th Court, Esplanade, Mumbai. I have gone through the said report.

The reasons given by the learned Metropolitan Magistrate are not satisfactory. Needless to state that the proceeding under Section 138 of Negotiable Instruments Act cannot be kept pending for a period of two years only for the purpose of issuance of process. Learned Counsel for the petitioner has submitted that Metropolitan Magistrate's 64th Court is presently vacant. Hence, the learned Magistrate incharge of 64th Court, Esplanade, Mumbai, is directed to proceed with the matter and take appropriate decision on the issue of issuance of process, within two weeks from the date of receipt of this order.

3. The writ petition is accordingly disposed of.

(ANUJA PRABHUDESSAI, J.)

CERTIFICATE

Certified to be true and correct as per the original signed judgment/order.