

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 3614 OF 2014

Wazir Financial Services Pvt. Ltd. .. Petitioner

Versus

The State of Maharashtra & Anr. .. Respondents

WITH
CRIMINAL WRIT PETITION NO. 3615 OF 2014

Libra Agencies Pvt. Ltd. .. Petitioner

Versus

The State of Maharashtra & Anr. .. Respondents

Mr. Siddharth Murarka, Advocate for the petitioner
Smt. V. S. Mhaispurkar, APP for the respondent-State.
Mr. , Advocate for the respondent No.-2.

CORAM:-M.L. TAHALIYANI, J.
DATED : -23/01/2015

P.C.

When the petitions were called twice, Mr. Murarka, the learned counsel for the petitioner was present and Mr. Dubey, the learned advocate for the respondent No. 2 was absent. His junior, however, was present. When the petition was called third

time, his Junior was also missing from the Court.

2 Respondent No. 2 is facing trial for the offence punishable u/s 138 of Negotiable Instruments Act in six cases referred in the present two petitions. Two cases out of six cases were pending in the evening Court and four cases were pending in Regular Court No. 23. Respondent No. 2 applied for transfer of cases pending in the evening Court to the Regular Court or vice versa. The learned Chief Metropolitan Magistrate transferred two cases pending in the evening Court to the Regular Court.

3 The grievance of the petitioner in both the petitions is that they had given consent for transfer of four cases pending in the regular Court to the evening Court so that all the cases can be heard expeditiously. However, the learned Magistrate, as already stated, transferred cases from evening Court to regular Court. Before I proceed further, it may be noted that the evening Courts have been created to reduce the burden on regular Court, particularly of the cases u/s 138 of Negotiable Instruments Act. Therefore, it is always desirable that such cases are heard by the evening Court according to availability of times. It is also necessary to have sufficient

number of cases in the evening Courts so that the learned Magistrates are busy during the Court hours. The Court hours of the evening Courts are from 6 p.m. to 8 p.m. I am told that due to less number of cases, the learned Magistrates cannot keep themselves occupied for the said two hours. In the circumstances, the Chief Metropolitan Magistrate should have realized that by passing the impugned order, he has increased the load of regular Court which is already loaded with many other cases of serious nature. As such the order of the learned Chief Metropolitan Magistrate does not serve the interest of justice and may cause delay in disposal of cases.

4 It is, therefore, directed that the two cases withdrawn from evening Court, being Case Nos. 3096/2013 and 3094/2013 shall be reassigned to the evening Court. It is further directed that the learned Chief Metropolitan Magistrate shall consider to reassign the rest of the four cases being Case Nos. 3411/2013, 3414/2013, 3415/2013 and 3416/2013 to the evening Court. The learned Chief Metropolitan Magistrate may consider to transfer rest of the matters between the petitioners and respondents to the evening Court, by consent of the parties.

5 With these observations, both the writ petitions stand
disposed of.

(JUDGE)

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