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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 5118 OF 2014**

Mr. Yusuf Jivaji Master

... Petitioner

Versus

Sr. Inspector, R.P.F. Dombivali and anr.

... Respondents

Mr. Yusuf Master petitioner in person present.

Mr. T.J. Pandian for respondent no. 1.

Smt. P.P. Bhosale, A.P.P. for State.

**CORAM : M.L. TAHALIYANI, J.
DATED : MARCH 31, 2015**

P.C.

Admit. Heard finally.

2. Heard the petitioner in person and learned counsel for respondent no. 1.

3. The petitioner is facing trial for the offence punishable under section 147 of the Railways Act in the court of J.M.F.C. Court, Kalyan for having crossed the railway line. The grievance of the petitioner is that the case is of the year 2008 and the Railway Protection Force is unnecessarily delaying the case by calling additional witness under section 311 of the Code

of Criminal Procedure.

4. I have gone through the impugned order by which Senior Inspector is called as witness. Respondent nos. 1 and 2 have to establish that the RPF officers who apprehended the petitioner, were working under the orders of the Senior Inspector.

5. In my opinion, witness was not necessary since three witnesses on the point have already been examined. Learned Magistrate should have realized that for such petty offence, the litigant can not be asked to wait for six years to get result. The application for recall of the witness should have been rejected.

6. Petition is allowed. The order passed by the Magistrate is set aside. The Magistrate shall proceed with the hearing and conclude the same within a period of one week from the date of receipt of this order. Petition stands disposed of.

(JUDGE)