

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 380 OF 2016

Shri Amit Satisdh Kumar
alias Amit Satish Putran.

... Petitioner.

Versus

Brayan Anthony Fernandes & anr.

... Respondents.

Mr. Rajendra Sorankar h/f. Mr. Robin Thomas, advocate for
petitioner.

Mr. A.H. Ponda h/f. Mr. Gaurav Parkar, advocate for respondent No.
1.

Ms. A.T. Javeri, APP for State.

CORAM : RAVINDRA V.GHUGE, J

DATE : JULY 12, 2016

P.C.:

1 Rule. Rule made returnable forthwith and petition is heard
finally with the consent of the parties.

2 I have heard the learned advocates for the respective sides at
length. It is submitted jointly on instructions that if the Criminal Case

No. R-35 of 2012 is expedited and decided within a period of 2 to 3 months, ends of justice would be met.

3 The learned advocate for the petitioner has narrated that the petitioner has completed his M.S. in Information System from Depaul University, Chicago. He intends to pursue his Ph.D in the said faculty in the United States, and for which purpose, he would be required to travel abroad, and explore the possibility of pursuing further studies. On account of the pending litigations in between the blood relatives and concerning the property disputes, the petitioner is likely to suffer and his educational prospects are likely to be devastated.

4 The Petitioner is before this Court seeking leave to travel abroad. By the impugned order dated 13/1/2016, the learned Judicial Magistrate First Class, Vasai has rejected his application Exh. 83 in Criminal Case No. R-35 of 2012. The proceedings before the trial Court pertain to an offence, which is punishable under Section 420 of the Indian Penal Code.

5 I quite see that on account of the litigations being continued and if prolonged, the Petitioner is likely to lose valuable time and more importantly, an opportunity of pursuing his further studies, which is likely to change his destiny. It is on this premise, that the learned advocates for the respective sides have graciously stated that if the case before the Court below is expedited, they would extend their fullest cooperation in order to enable the learned Magistrate to take up this matter within a time frame, even on day to day basis, if felt necessary.

6 In the light of the above, the learned advocate for the Petitioner submits on instructions from the petitioner, who is present in the court that the pending application for discharge would be withdrawn by the Petitioner, so as to enable the trial court to proceed in deciding the criminal case expeditiously. The said statement is recorded as being a statement made to the court.

7 The learned advocate for the respondent on instructions makes a gracious statement that the contempt petition against the petitioner herein will not be pressed and the same shall be withdrawn, in order to show the bonafides of the respondent that they have nothing personally against the petitioner.

8 Consequentially, the Petitioner shall not leave this country till the proceedings are decided on or before 15th October, 2016.

9 In the light of the above, this Petition is disposed of by directing the learned Judicial Magistrate First Class, Vasai to decide Criminal Case No. R-35/2012, as expeditiously as possible, and preferably on or before 15th October, 2015.

10 The learned Magistrate would note that this order is being passed keeping in view the career and educational prospects of the Petitioner and hence, the learned Magistrate shall not entertain any

adjournment application on behalf of any party, if the same appears to be based on trivial or unreasonable grounds.

11 The litigating sides are therefore, bound to cooperate with the learned Magistrate for ensuring that the proceedings are completed and adjudicated upon on or before 15th October, 2016.

12 It is informed that the proceedings before the learned Magistrate are posted on 16/7/2016 and therefore, the litigating sides as well as the learned Magistrate shall act on the print-out copy of this order, obtained from the official website of this court.

13 Rule is discharged accordingly.

(RAVINDRA V.GHUGE, J)