

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.542 OF 2016

Mohd. Yasin Mohd. Hasan Shah	.. Petitioner
-Versus-	
State of Maharashtra	..Respondent

Mr. Harshal Mirashi for petitioner
Mr. A.S.Pai, APP for State.

CORAM : DR. SHALINI PHANSALKAR JOSHI, J.

DATE : 22nd February 2016.

P.C.

1] Heard learned Counsel for the petitioner. By this petition the petitioner is requesting this Court to expedite the hearing of criminal Application No.15/SW/2013 which is pending before Additional Chief Metropolitan Magistrate, 11th Court, Kurla. It is submitted that the said Criminal Case is filed by the petitioner for issuance of process against the respondents for offences punishable under sections 494, 496, 497, 507 read with section 34 of IPC. The petitioner is having good case on merits. However, it is urged that learned Magistrate has directed the petitioner to lead evidence. It is submitted that the said order was passed on 21st February 2014. However, till date no progress is made and hence necessary direction be issued to the learned Magistrate for expediting the

hearing of the said case.

2] Along with this petition, the photo copy of the roznama of the said proceeding is produced, which show that on certain dates like 5th April 2014 and 1st July 2014 complainant was absent and on same dates like 7th August 2015 the Court itself was having additional charge. In such a situation, for some or the other reason the matter appears to have been adjourned and that too due to Advocate for complainant for being absent or the court having over burdened due to additional charge. It, cannot, therefore be said that the learned Magistrate is delaying the matter. The roznama of the last date i.e. 1st January 2016 reveals that the translation of some documents which are in vernacular language i.e. Urdu and Gujarathi are directed to be provided by the learned Counsel for petitioner. The same are not provided till date. This court hopes that after compliance with the said order, the trial court will proceed with the matter as expeditiously as possible. With these observations, this petition is disposed of.

(JUDGE)