

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2221 OF 2015**

Suresh Sanwarlal Todi & Ors. Petitioners

Vs.

The State of Maharashtra & Ors. Respondents

WITH
CRIMINAL WRIT PETITION NO.3558 OF 2014

Shriprakash Poddar Petitioners

Vs.

The State of Maharashtra & Ors. Respondents

Mr. Vivek Kantawala alongwith Mr. Amey Patil i/by M/s Vivek Kantawala & Co. for the Petitioners.

Mr. Shyam Marwadi alongwith Sushil Upadhyay i/by Mr. Ashok Saraogi, Advcoate for respondents no. 2 and 3.

Mr. D.R. More, APP for the State.

Coram : Smt. R.P. SondurBaldota, J.

Date : 29th February, 2016

P.C.

1 There is a delay of 7 years in filing the present petitions to challenge the order of issuance of process against

the petitioners. Considering the delay, the only appropriate order that can be passed in the petition is to expedite the hearing of the proceedings before the trial court i.e. Case No.37/M/2005 subsequently numbered as Case No.229/SW/2008 pending in the Court of the Additional Chief Metropolitan Magistrate, Borivali. The learned Magistrate shall dispose off the proceedings within a period of six months from next date in the matter. Both the advocates inform that the next date in the trial court is on 16th April, 2016. Mr. Kantawala submits that some of the petitioners, who are old and infirm may not be able to attend the trial court in person and that three of the petitioners i.e. Mr. Suresh Sanwarmal Todi, Pankaj Ramgopal Dujodwala and Mr. Vijaykumar Nathamal Lohiya shall remain present before the trial court on that date. In the event the other trustees are unable to remain present in the court on that day, they may file application for exemption which shall be considered by the learned Magistrate in accordance with law by keeping in view of the age and health of such trustees. The Writ Petition is accordingly disposed off.

(Smt. R.P. SondurBaldota, J.)