

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2989 OF 2016**

M/s. Ganesh Benzoplast Ltd.	...Petitioner
Versus	
The State of Maharashtra & Anr.	...Respondents

Mr. Kuldeep Patil with Mr. S. R. Shinde and Mr. I. B. Singh for the
Petitioner

Mr. V. V. Gangurde, A.P.P for the Respondent No.1 -State

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 8th SEPTEMBER, 2016

P.C. :

1. Heard learned counsel for the petitioner.

2. By this petition, the petitioner who is the original complainant seeks expeditious disposal of CC No. 5953/SS/2015, which is pending on the file of the 33rd Metropolitan Magistrate's Court at Ballard Pier, Mumbai, and prays that this Court be pleased to direct the trial Court to dispose of the case within 30 days of the date of the order.

3. Learned A.P.P waives service of notice. As far as respondent Nos. 1 and 3 are concerned, notice is not issued to them considering the prayers that are sought for in the present petition and the peculiar facts of this case.

4. It appears that the cheques were dishonoured in June, 1996 pursuant to which, the petitioner filed a criminal case bearing CC No. 211/S/1997 on 29th January, 1997 alleging an offence punishable under Sections 138 and 141 of the Negotiable Instruments Act in the Court of the 20th Metropolitan Magistrate, Esplanade, Mumbai. It appears that later some of the accused were dropped by the petitioner from the said case and one accused was discharged and that the proceedings commenced qua the respondent Nos. 2 and 3 who are original accused Nos. 1 and 3 respectively. Thereafter, in 2015, the case was transferred to the 23rd Metropolitan Magistrate Court, Esplanade, Mumbai and was renumbered as CC/5953/SS/2015. It appears that thereafter the trial was delayed on some ground or the other by the respondents. Thereafter, the petitioner (complainant) filed his affidavit of evidence sometime in February, 2014. It appears that thereafter the respondents' Advocate filed several applications

challenging various orders pursuant to which the trial was further delayed. PW 1 has been cross-examined in 2014 and thereafter no progress has taken place. In fact, a perusal of the order dated 8th October, 2014 passed by the Metropolitan Magistrate, 23rd Court shows that the parties were put to notice that the matter was expedited pursuant to an order of the High Court since the case was more than 15 years old.

5. Perused the papers. The said case has been pending for almost 19 years and no progress has taken place as is expected, more particularly, when plea is recorded and one witness has been examined in the said case. Considering that the case is of 1997, the trial Judge is directed to dispose of the said case being CC No. CC/5953/SS/2015 as expeditiously as possible and in any event, within three months from the date of receipt of this order.

6. Writ Petition is disposed of accordingly.

7. Parties to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.