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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.3563 OF 2016

Prerana Prakash Kadam

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Ms.Harjeet Kaur Bhagwant Singh, for the Petitioner.

Mr.S.R.Agarkar, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 10th OCTOBER, 2016

P.C. :

1. Heard learned Counsel for the petitioner and the learned A.P.P.
2. By this petition, the petitioner seeks the following substantive prayer:-
 - (a) That this Hon'ble Court be pleased to pass an order direction or writ that the evidence of the Petitioner in C.C.No.88/PW/2004 pending before the Learned Metropolitan Magistrate, 29th Court, Dadar be completed on 15th October, 2016 or any other dates the Hon'ble Court deem fit and proper;

3. Learned Counsel for the petitioner states that the petitioner is the original complainant, aged 70 years. She submitted that the petitioner being the original complainant is required to attend the court proceedings and that her evidence has not been recorded till date. She submitted that so far 3 witnesses have been examined in the present case. According to the learned counsel, the petitioner (original complainant) was summoned on 27th April, 2016, 29th April, 2016, 13th June, 2016, 3rd August, 2016, 30th August, 2016 and 17th September, 2016, however, as the accused in the said case were absent, the matter was simplicitor adjourned by the learned Magistrate without recording the evidence of the petitioner (original complainant). Learned Counsel requests that considering the age of the petitioner, a direction be given to the learned Metropolitan Magistrate, 29th Court, Dadar, Mumbai to complete her evidence at the earliest, without granting any unnecessary adjournments.

4. Perused the papers including the Roznama in the said case. It appears that 3 witnesses have been examined so far and the petitioner (original complainant) was summoned on 27th April, 2016, 29th April, 2016, 13th June, 2016, 3rd August, 2016, 30th August, 2016 and 17th

September, 2016. It is informed that the matter is now posted on 15th October, 2016. It also appears from the Roznama that almost all the accused in the said case were absent on the aforesaid dates, as a result of which the learned Magistrate was constrained to adjourn the case.

5. Considering the age and ailments of the petitioner and also the inconvenience caused to her, the learned Metropolitan Magistrate, 29th Court, Dadar, Mumbai is directed to complete the evidence of the petitioner (original complainant) on or before 21st October, 2016. As far as possible the petitioner (original complainant) should be examined and cross-examined on the day on which she is summoned.

6. The learned Magistrate to ensure that the Advocates for the accused proceed with the cross examination of the petitioner (original complainant), on the same day, without granting any adjournment on the ground that the accused are not present. The accused in the said case be also put to notice of the aforesaid order passed today on 15th October, 2016.

7. The petition is allowed and disposed of in above terms.
8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.