

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

CRIMINAL WRIT PETITION NO. 4135 OF 2015

Mrs. Binaifer S. Kohli. ... Petitioner.
Versus
The State of Maharashtra & ors. ... Respondents.

Mr. Ghanshyam Upadhyay i/b. Law Juris, advocate for petitioner.

Mrs. A.A. Mane, APP for State.

Ms. Avantika h/f. Kranti S. S. Anand, advocate for Respondent Nos. 2 to 4.

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : JUNE 6, 2016**

P.C.:

1 Heard the learned Counsel for the Petitioner and the learned Counsel for the respondent Nos. 2 to 4.

2 Rule. Rule made returnable forthwith.

3 This Court had called for the progress report i.e. the present status of the proceedings in C.C. No. 971/PW/2009. The learned

Additional Chief Metropolitan Magistrate, 47th Court, Esplanade, Mumbai has filed detailed report before this Court which shows that the Court has recorded the substantive evidence of P.W. 1 and P.W. 2 of atleast 132 pages. The report further indicates that the proceedings in the said case are being protracted at the instance of the learned Counsel for the defence.

4 Today, the learned Counsel holding for advocate Ms Kranti Anand submits that she seeks time to file reply in the present case. This Court is of the opinion that there is no question of filing reply as prayer clause in the present Petition is only to the extend that the trial be expedited and the same be concluded within a period of 4 months or within such other reasonable time, as this Court may deem fit and proper.

5 It is a matter of record that by an order dated 6th May, 2013, this Court (Coram : Smt. Sadhana S. Jadhav, J) had observed that the trial is being protracted for no reason. It was also observed that the trial court should not be a silent spectator to the proceedings and has

to regulate the procedure. This Court had also directed the trial court not to grant any adjournment till the cross-examination of the complainant is over.

6 In any case, it appears that the proceedings have been protracted for one or the other reason. The learned Magistrate has reported that the case is fixed twice a week for recording the evidence. In view of this, no further directions are necessary. However, this Court would request the learned Magistrate to conduct the trial and record evidence twice a week and conclude the matter as early as possible.

7 Rule is made absolute in the above terms. The Writ Petition stands disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)