

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4869 OF 2015

Naresh Nanubhai Dayabhai	...	Petitioner
vs.		
The State of Maharashtra	...	Respondent

Mr. S.G.Rajput, Advocate for the petitioner.
Mr. V.B.Konde-Deshmukh, APP, for the State.

CORAM: SMT. SADHANA S.JADHAV, J.
DATE : 20th June, 2016.

P.C.

Heard. Rule. Rule made returnable forthwith with the consent of the parties.

2. The petitioner herein happens to be the original accused No.3 in C.C. No.76/PW/2008 and is being prosecuted for the offences punishable under Sections 120B, 465, 467, 471, 474, 420 read with Section 34 of the Indian Penal Code before the Metropolitan Magistrate, 37th Court, Esplanade, Mumbai. It appears from the record that the case is initiated in the year 2007. After filing of the charge-sheet, the petitioner was released on bail sometime in the year 2008. The charge-sheet was filed on

21.1.2008. It appears from the records that the petitioner herein had filed an application seeking discharge from the said case on 27.10.2010.

3. It further appears from the Roznama that the matter has been protracted since the prosecutor had not filed Say. It further appears that on most of the occasions, the prosecutor seized with the matter was not present and, therefore, the application remains pending. In the present petition, the petitioner has specifically prayed for expeditious disposal of the discharge application filed by him on 27.10.2010. Taking into consideration the fact that the application cannot be kept pending for almost five years, this Court is of the opinion that the prayer clause (a) needs to be granted. Hence the following order :-

ORDER

(i) The Writ Petition is allowed. Rule is made absolute in terms of prayer clause (a).

(ii) The learned Magistrate is hereby directed to hear and decide the application seeking discharge within four weeks from the date of receipt

of this order.

(iii) The learned Court shall not grant any unwarranted adjournment to the prosecutor or to the accused.

(iv) Office to communicate this order to the concerned Court forthwith.

(SMT.SADHANA S.JADHAV, J.)