

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application [APL] No.602 of 2016

(Anil Jaidayal Taneja

vs.

State of Maharashtra, through P.S.O. Koradi, Nagpur and another)

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*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

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Court's or Judge's Orders

*Shri Shyam Dewani, Advocate for the Applicant.
Shri T.A. Mirza, A.P.P. for Non-Applicant No.1/State.*

CORAM : S.B. SHUKRE, J.
DATE : 23rd SEPTEMBER, 2016.

Heard the learned Counsel for the applicant and
the learned A.P.P. for the State.

The learned Counsel for the applicant submits that
non-applicant No.2 is deliberately avoiding service of notice
upon her and these tactics had been adopted by her even
before the trial Court. He further submits that, however, he
made painstaking efforts to see that the service was effected
upon non-applicant no.2 in the proceedings before the trial
Court. He further submits that even after service of the notice
upon non-applicant no.2, the non-applicant no.2 has been
prolonging that matter by seeking adjournments on one pretext
or other, and the result is that the B-Summary Case No.2/2016
in Crime No.95/2015 registered at Police Station Koradi,
Nagpur, has remained pending. In these circumstances, the

learned Counsel for the applicant makes a prayer, which is incorporated already as an alternate prayer that a suitable direction be issued to the learned Magistrate for deciding B-Summary Case in a time bound manner.

The learned A.P.P. for the State submits that an appropriate order in the interest of justice be passed.

Having considered the submissions of the learned Counsel for the applicant and also the nature of alternate prayer, I am of the view that no prejudice would be caused to either of the parties, if the alternate prayer is granted. Rather granting of alternate prayer would only sub-serve the cause of justice. In these circumstances, I am inclined to allow this application.

The application is allowed and the alternate prayer of making the disposal of the B-Summary Case time bound is granted and it is directed that B-Summary Case No.2/2016 in Crime No. 95/2015 be decided by the learned Magistrate within four weeks from the date of receipt of the order of this Court.

The application is disposed of in these terms.

JUDGE

C E R T I F I C A T E

I certify that this order uploaded is a true and correct copy of the original signed order.

Uploaded by: S.D. Waghmare
P.A. to the Hon'ble Judge.

Uploaded on : 27/09/2016