

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 145 OF 2017
IN
CRIMINAL WRIT PETITION NO. 4208 OF 2015

Shri Kishor Prabhudas Chhabria & Ors. ...	Petitioners
Vs.	
The State of Maharashtra & Ors. ...	Respondents

Ms. Vanita C. Giri, Advocate for the petitioners.
Mr. Shailesh Kantharia for respondent No.3.
Mr. Y.Y. Dabake, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 31st March, 2017.

P.C.

Heard. The petitioners herein are seeking time-bound trial in Criminal Complaint No.0404440 of 2010. According to the learned counsel for the petitioners, by an order dated 10.8.2016, this Court had directed the learned Magistrate to expedite the trial and despite the same, the trial is not expedited.

2. The learned counsel for the petitioners has submitted various personal difficulties of the petitioners and has submitted that the petitioners are willing to face the trial. However, the complainant is seeking adjournment from time to time and, therefore, it is necessary to make the trial time-bound.

3. As against this, the learned counsel for respondent No.3 has submitted that in fact in the present case, the learned Magistrate has not even issued process. The trial has not commenced. It is also submitted that the respondent No.3 has filed Writ Petition No.1381 of 2017 before the High Court seeking transfer of investigation. The learned counsel for the petitioners submits that after she has served the copy of the present petition on the respondent No.3, they have filed the writ petition. The said writ petition is scheduled to be listed on board on 7.4.2017. In the eventuality that the trial had commenced and same was being protracted by one of the parties, this Court could have expedited the trial. In the present case, the trial has not even reached the preliminary stage of issuance of process. It was listed on board till December 2015. The proceedings were stayed by the High Court at least till September 2016. The matter is listed on board for formal hearing. In this eventuality the prayer seeking time-bound trial cannot be granted. The Application is rejected.

(SMT. SADHANA S.JADHAV, J.)