

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1771 OF 2017

Mr. Wakil Ahmed S/o. Khalil Ahmed ...	Petitioner
Vs.	
The State of Maharashtra & Ors. ...	Respondents

Mr. Ranjit S. Singh, Advocate for the petitioner
Ms. Neeta Jain, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 3rd May, 2017.

P.C.

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

2. The petitioner herein happens to be the original complainant in C.C. No.333/SW/2013 pending before the Metropolitan Magistrate, 12th Court, Bandra, Mumbai.

3. The learned counsel for the petitioner submits that the complaint was filed in 2013 and the process was issued against the accused on 30.7.2015. The learned counsel further submits that the matter is posted for recording evidence before charge. However, the respondents herein are protracting the proceedings. Both of them do not remain present on the same day or else their Advocate takes an adjournment. Needless to say that the learned

Magistrate shall not succumb to the requests of the Advocates seeking adjournment. In the eventuality that the accused had remained absent for more than 3 occasions without there being an exemption application, the learned Magistrate shall ensure the presence of the accused in accordance with law, more particularly Sections, 71, 72 and 73 of Cr.P.C.

4. The learned counsel for the petitioner further submits that there is burden of work on the Magistrate and, therefore, a longer date is granted. Be that as it may, the learned Metropolitan magistrate, 12th Court at Bandra, Mumbai is requested to make an endeavour to expedite the proceedings in C.C No.333/SW/2013 as early as possible and shall ensure that no unwarranted adjournments are given to the accused.

5. Rule is made absolute. Petition is allowed in terms of prayer clause (a). Petition stands disposed of.

(SMT. SADHANA S.JADHAV, J.)