

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

WRIT PETITION NO. 3763 OF 2016

Mrs. Ramani Sanjeeb Patra ... Petitioner
vs.
The State of Maharashtra ... Respondent

Mr. Sachin S. Tigade, Advocate for the petitioner.
Ms. Anamika Malhotra, A.P.P. for the State/respondent.

Coram : Smt. R. P. SondurBaldota, J.
Date : 9th January, 2017

P.C. :

1. The petitioner is the complainant in private Criminal Case No. OMA No.1008 of 2014 pending in the Court of Judicial Magistrate, First Class, Second Court, Thane, filed for the offence punishable under Sections 494, 109, 114, 120-B and 511 of Indian Penal Code. The petitioner was constrained to approach this Court on account of the order dated 5th August, 2016 passed by the trial Court on her application at Ex.7. The order reads as under :

“At the outset considering workload it is made clear that order would be passed in October 2016.
(For very) be noted.”

The matter was thereafter adjourned to 29th November, 2016.

2. Considering the nature of the above order, the petitioner approached this Court by way of the present petition to ensure certainty as regards passing of the order by the trial Court. He sought direction to the learned Magistrate to decide

the complaint in accordance with law on the date fixed i.e. on 29th November, 2016 and not to adjourn it to any further date or on any other date fixed by this Court.

3. Today Mr. Tigade, the learned advocate appearing for the petitioner states that the learned Magistrate has passed the order on 22nd December, 2016 and issued process against the accused for the offence punishable under Section 494 r/w 109 of Indian Penal Code. In that circumstance, the petition has become infructuous. Nonetheless, considering the nature of impugned order passed, at the request of Mr. Tigade it is directed that the learned Magistrate shall endeavour to dispose off the proceedings as early as possible.

[Smt. R. P. SondurBaldota, J.]