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

WRIT PETITION NO.462 OF 2017

Haresh Karsandas Bhatia	...Petitioner
Versus	
The State of Maharashtra	...Respondent

Mr.O.A.Chishty, for the Petitioner.

Mr.H.J.Dedhia, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 2nd FEBRUARY, 2018

P.C. :

1. At the outset, learned counsel for the petitioner seeks leave to amend the prayer clause. Leave granted. Amendment to be carried out forthwith.
2. Heard learned counsel for the parties.
3. By this petition, the petitioner seeks expeditious disposal of his case, being C.C.No.744/PW/2012, which is pending before the learned Metropolitan Magistrate, 61st Court, Kurla, Mumbai, on day-to-day basis and in a time bound manner.

4. Learned Counsel for the petitioner submits that the petitioner (original complainant) is a senior citizen and that though the MECR was registered way back in 2011 and charge having been framed in 2012, there has been absolutely no progress in the said case. He submitted that the accused on some pretext or the other are remaining absent, resulting in further delay of the case.

5. Learned APP states that the Investigating Officer has received the handwriting expert's opinion on 18th January, 2018 and as such now there shall be no impediment for proceeding with the trial.

6. Perused the papers. The petitioner, a senior citizen is the original complainant in MECR No.6 of 2011. The said case was registered with the Matunga Police Station, Mumbai, for the alleged offences punishable under Sections 420, 406, 409, 465, 467, 468, 471 r/w 120B, 34 of the Indian Penal Code, as against two persons. After charge-sheet was filed, charge came to be framed as against the accused persons on 16th August, 2014. A perusal of the Roznama shows that there has been no progress in the said case and that each of the accused is absent alternatively,

as a result of which, the learned Magistrate cannot proceed with the trial. Learned APP states that the Investigating Officer has received the handwriting expert's report on 18th January, 2018, and the same will be tendered in the Court on the next date. i.e. 7th February, 2018. Statement accepted.

7. In the peculiar facts of this case, the petition is allowed and the trial being C.C.No.744/PW/2012, which is pending before the learned Metropolitan Magistrate, 61st Court, Kurla, Mumbai, is expedited. The learned Magistrate shall conduct the trial preferably on day to day basis and complete the same, in any event within 9 months from the date of receipt of this order.

8. Petition is accordingly disposed of on aforesaid terms.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.