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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1676 OF 2018

CRIMINAL WRIT PETITION NO.1677 OF 2018

CRIMINAL WRIT PETITION NO.1678 OF 2018

CRIMINAL WRIT PETITION NO.1679 OF 2018

CRIMINAL WRIT PETITION NO.1680 OF 2018

CRIMINAL WRIT PETITION NO.1681 OF 2018

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CRIMINAL WRIT PETITION NO.1695 OF 2018

CRIMINAL WRIT PETITION NO.1696 OF 2018

CRIMINAL WRIT PETITION NO.1697 OF 2018

GKW Limited ..Petitioner.

V/s.

State of Maharashtra & Anr. ..Respondents.

Mr.Subhodh Desai i/b. Dharam& Co. for the petitioner in all petitions.

Mrs.M.R.Tidke, APP for the respondent-State.

Mr.Sunil Kharat for respondent No.2 in WP NOS.1676,1685, 1689, 1690 &1692 of 2018.

Mr.Nilesh R.Pandey for respondent No.2 in WP NOS.1678,1686 of 2018.

CORAM: NITIN W.SAMBRE, J.

DATE : APRIL 23, 2018

P.C.:-

Mr.Sunil Kharat and Mr.Nliesh Pandey for the respective respondent No.2 in above petitions. Perused the affidavit of service.

2. Heard learned counsel for the petitioner, the learned

counsel for the respective respondents and the learned APP for the State.

3. This Court in Writ Petition No.656 to 684 of 2013 on February 25, 2013 passed the following order :-

“ Having heard learned counsel appearing for the respective parties and having gone through the compilation of the writ petitions, in my opinion, the interests of justice would be sub-served by directing learned Magistrate 53rd Metropolitan Court, Mumbai, to dispose of the following criminal complaints as expeditiously as possible:

*Case Nos.49/SS/2010, 50/SS/2010, 51/SS/2010,
52/SS/2010, 54/SS/2010, 55/SS/2010,
56/SS/2010, 57/SS/2010, 58/SS/2010,
59/SS/2010, 60/SS/2010, 61/SS/2010,
62/SS/2010, 63/SS/2010, 64/SS/2010,
65/SS/2010, 66/SS/2010, 67/SS/2010,
68/SS/2010, 69/SS/2010, 70/SS/2010,
71/SS/2010, 83/SS/2010, 84/SS/2010,
85/SS/2010, 86/SS/2010, 87/SS/2010,
89/SS/2010, 90/SS/2010, and 303/SS/2010.*

Order accordingly,

2. *In the light of the above order, the writ petitions are disposed of.”*

4. In the aforesaid background, a request is made for similar order to be passed in the above petitions and criminal complaints pending before the Metropolitan Magistrate, for the reason that the issue involved in the complaints which are covered by order dated February 25, 2013 is identical to the one in which the complaints which are covered in the aforesaid writ petitions. It is further brought to our notice that the learned Magistrate has permitted to lead common oral evidence in all complaints and the complaints are to be heard together.

5. *Per contra*, the learned counsel for the respondents submit that the Court is misguided by the petitioner as complete facts are not brought to its notice. According to the respondents, the matter be adjourned and liberty be given to file affidavit-in-reply. It is further claimed that there is no necessity to pass an order of expediting hearing of the complaints, as was passed in Writ Petition Nos.656 to 684 of 2013 on February 25, 2018.

6. In my opinion, the claim of the petitioner for similar order as that of Writ Petition Nos.656 to 684 of 2013 is required to be granted for the following reasons :-

That the issue involved is of the complaint case which are identical and the fact that the parties are permitted to lead common evidence is not in dispute. Judicial discipline warrants that in similar set of facts, the Court must have similar views. Since the litigation policy of this Court warrants expeditious disposal of the criminal cases which are pending for more than five years. In this case, the complaint cases are pending for more than five years. As such, the following order is passed.

(a) In the interest of justice and for reasons recorded hereinabove, the learned Metropolitan Magistrate, 53rd Court, Mumbai is directed to dispose of the complaint cases since they are identical to the facts which are reflected by order dated February 25, 2013 passed in Writ Petition Nos. 656 to 684 of 2013 as expeditiously as possible.

8. With the above observations, all the writ petitions stand disposed of.

(NITIN W.SAMBRE, J.)