

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL WRIT PETITION NO.1705 OF 2018**

Rajendra Prasad Naik	]	Petitioner
Vs.		
Sarita Rajendra Prasad Naik	]	Respondent

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Mr. Raghava M. for Petitioner.
Mr. J.S. Hegde, for Respondent No.1.

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CORAM : R.G. KETKAR, J.

DATE : 15TH JUNE, 2018.

P.C:

Heard Mr. Raghava, learned Counsel for the petitioner and Mr. Hegde, learned Counsel for respondent No.1 at length.

2. By this Petition under Article 227 of the Constitution of India r/w section 482 of the Code of Criminal Procedure, 1973, the petitioner has challenged the order dated 25th October, 2017 passed by the learned Additional Chief Metropolitan Magistrate. 24th Court, Borivali in Case No. 3102/SS of 2014 in C.C. No.1690/SS/2012; thereby issuing distress warrant against the petitioner as also order dated 5th February, 2018 passed by Additional Sessions Judge, Dindoshi, Bombay in Criminal Appeal No.101 of 2014 granting stay to the order dated 9th July, 2014 passed by the learned Additional Chief Metropolitan Magistrate, Borivali subject to the petitioner herein depositing Rs. 10,00,000/- in the trial Court within two months.

3. After arguing the Petition for quite some time, Mr. Raghava submits that the petitioner will not press the Petition if Criminal Appeal No.101 of 2014 is disposed of in a time bound manner. He states that proceedings against the petitioner may be served on his following address;

'Mandebettu House, Adoor Village,
Kasaragod District Urdoor Post Kerala
State, 671543'

4. Mr. Hegde submitted that since the appeal is pending since 2014, the learned Additional Sessions Judge may be directed to dispose of the appeal in a time bound manner. The learned Counsel for both the parties assure that they will extend full co-operation for disposal of the appeal in a time bound manner and will not seek undue adjournments.

5. Having regard to the fact that appeal is pending since 2014 and as both the Counsel are agreeable for disposal of the appeal in a time bound manner, I deem it appropriate to direct the Additional Sessions Judge to dispose of the appeal within six weeks from the date of production of the authenticated copy of this order. Petition is disposed of as not pressed.

[R.G. KETKAR, J.]