

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

CRIMINAL APPLICATION NO. 1119 OF 2018

Ramesh S. Seth ... Applicant

V/s.

Mr.Avtar Singh Sachdev and anr. ... Respondents

Mr. Amit Sheth for the Applicant.

Mr. A.R.Patil, APP for the Respondent/State.

Mr.J.R.Vakil for Respondent No.1.

CORAM : A.S.GADKARI, J.

DATE : 04th October, 2018

P.C.:

1. By the present application under Section 482 of the Cr.P.C. the applicant-original accused has questioned the legality and correctness of the Judgment and Order dated 1.9.2018 passed by the learned Additional Sessions Judge, , Greater Mumbai in Criminal Revision Application No.770 of 2018 dismissing the said revision and confirming the Order dated 10.8.2018 passed on an application dated 19.7.2017 preferred by respondent No.1.

2. Heard the learned counsel for the applicant and the learned counsel for respondent No.1.Perused the record.

3. The record indicates that, the applicant is an accused in CC

No.405/SS/2011 pending on the file of Metropolitan Magistrate, 58th Court, at Bandra, Mumbai instituted by respondent No.1 under Section 138 of the Negotiable Instruments Act. That, this Court in the year 2016 had directed the Trial Court to dispose of the said case by the end of December 2016 which was further extended upto December 2017. As the applicant did not co-operate with the Trial Court in disposing of the said case and used to remain absent, the respondent No.1 filed the aforesaid application on 19.7.2017 with a prayer for closing evidence of the applicant. The said application has been allowed by the impugned Order dated 10.8.2018 passed by the learned Magistrate. As noted earlier the revision preferred against the said Order has been dismissed by the Revisional Court.

The record further clearly indicates that, the applicant has failed to co-operate with the Trial Court in concluding the said case within stipulated period as has been directed by this Court. It further appears that, till date the applicant is successful in protracting the said trial. As of today the recording of evidence of the concerned witness is already over and the Trial Court has already recorded the statement of the applicant under Section 313 of the Cr.P.C. Despite granting several opportunities to the applicant to lead his

evidence in defence he remained absent and did not bother to adduce evidence and to proceed with the defence evidence. In such circumstances, the learned Magistrate has rightly passed the Order dated 10.8.2018 which is also in conformity with the directions issued by this Court of expediting the trial.

4. After perusing the entire record, this Court is of the considered view that both the Courts below have not committed any error either in law or on facts while passing the impugned Order. Application is devoid of any merits is accordingly rejected.

5. Time to dispose of CC No.405/SS/2011 is extended till 31.12.2018 as a last chance.

(A.S.GADKARI, J.)