

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4891 OF 2015

Mahesh Matta ... Petitioner

Versus

State of Maharashtra and Ors. ... Respondents

Mr. Mikhail Dey a/w Mr. Dinesh Tiwari I/by Dinesh Tiwari & Associates for the Petitioner.

Mr. S.R. Shinde, APP for the respondent State.

**CORAM : B.P. DHARMADHIKAKRI &
SARANG V. KOTWAL, JJ.**

DATE : DECEMBER 20, 2018

P.C.:

Heard advocate for the petitioner and learned APP for the respondents.

2. Advocate Dey without prejudice to other contentions submitted that the chargesheet is now filed and he wishes to bring on record the other material to demonstrate that it is frivolous. Learned APP submits that the trial court can better appreciate this contention.

3. Matter is pending before this Court since 2017 and as yet even formal notice to complainant/respondent is not issued. There

is no interim order whatsoever.

4. In this situation, we grant the petitioner leave to seek discharge before the trial court by moving appropriate application within three weeks. If such application is moved, within three weeks, trial court shall attempt to take decision upon it as per law within next four months.

5. Subject to this opportunity and keeping all the contentions open, we dispose of the present writ petition.

(SARANG V. KOTWAL, J.)

(B.P. DHARMADHIKARI, J.)