

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL WRIT PETITION NO. 480 OF 2019

Sushil s/o Murlidhar Biyani,
Age 41 years, Occu: Profession / Advocate,
R/o Behind Yesho Mangal Karyalaya,
Usmanpura, Aurangabad.

... PETITIONER
(Petitioner is Original
Complainant before trial Court)

VERSUS

Siddharth S/o. Suresh Bagul,
Prop. M/s. Sairam Steel Profile,
Office at – E-115, MIDC, Waluj,
Aurangabad

R/o, Plot No.30, Swami Samarth Nagar,
Opp. Rose Buds English School, Gut No.140,
Tisgaon, Waluj Mahanagar – 1, Aurangabad.

... RESPONDENT
(Respondent is Original
Accused before trial Court)

WITH

CRIMINAL WRIT PETITION NO. 481 OF 2019

Sushil s/o Murlidhar Biyani,
Age 41 years, Occu: Profession / Advocate,
R/o Behind Yesho Mangal Karyalaya,
Usmanpura, Aurangabad.

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R/o, Plot No.30, Swami Samarth Nagar,
Opp. Rose Buds English School, Gut No.140,
Tisgaon, Waluj Mahanagar – 1, Aurangabad.

... **RESPONDENT**
(Respondent is Original
Accused before trial Court)

WITH

CRIMINAL WRIT PETITION NO. 482 OF 2019

Sushil s/o Murlidhar Biyani,
Age 41 years, Occu: Profession / Advocate,
R/o Behind Yesho Mangal Karyalaya,
Usmanpura, Aurangabad.

... **PETITIONER**
(Petitioner is Original
Complainant before trial Court)

VERSUS

Siddharth S/o. Suresh Bagul,
Prop. M/s. Sairam Steel Profile,
Office at – E-115, MIDC, Waluj,
Aurangabad

R/o, Plot No.30, Swami Samarth Nagar,
Opp. Rose Buds English School, Gut No.140,
Tisgaon, Waluj Mahanagar – 1, Aurangabad.

... **RESPONDENT**
(Respondent is Original
Accused before trial Court)

WITH

CRIMINAL WRIT PETITION NO. 483 OF 2019

Sushil s/o Murlidhar Biyani,
Age 41 years, Occu: Profession / Advocate,
R/o Behind Yesho Mangal Karyalaya,
Usmanpura, Aurangabad.

... **PETITIONER**
(Petitioner is Original
Complainant before trial Court)

VERSUS

Siddharth S/o. Suresh Bagul,
Prop. M/s. Sairam Steel Profile,
Office at – E-115, MIDC, Waluj,
Aurangabad

R/o, Plot No.30, Swami Samarth Nagar,
Opp. Rose Buds English School, Gut No.140,
Tisgaon, Waluj Mahanagar – 1, Aurangabad.

... **RESPONDENT**
(Respondent is Original
Accused before trial Court)

...
Mr. Rupesh A. Jaiswal, Advocate for Petitioner in all the petitions.

Mr. M. L. Wankhede, Advocate for Respondent in all the petitions.

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CORAM : **T. V. NALAWADE &
MANGESH S. PATIL, JJ.**

DATE : 25th April, 2019.

ORAL JUDGMENT: (Per T. V. Nalawade, J.)

. Rule. Rule made returnable forthwith. By consent, heard
both the sides for final disposal.

2 S.C.C. Nos.2999, 3000, 3001 & 2002 of 2018 are pending in the Court of Judicial Magistrate First Class, Aurangabad and the present Petitioner is the Complainant of the said cases. The Respondent is Accused in those cases. The Complainant has closed the evidence and the statement under Section 313 of the Code of Criminal Procedure is also recorded. It appears that due to delaying tactics played by the Accused many orders were passed against the Accused and even cost was imposed. His evidence was closed, but again on 1st April, 2019 the Court allowed him to examine witnesses. It needs to be observed that without ascertaining the nature of evidence, which the witnesses are expected to give, the witness summons is allowed by the Trial Court. It appears that many defences are taken by the Accused simultaneously and he is not asking for issuing of witness summonses against all in one application. He applied issuing witness summon only against one witness. Due to all these circumstances and as so many adjournments were sought by the Accused, the Petitioner has approached this Court for direction to the Trial Court for expeditious disposal of the matter.

3 The cases of the aforesaid nature are expected to be disposed of expeditiously. The circumstances are sufficient to infer that the Accused is playing delaying tactics. This Court is hereby directing the Trial Court to see that on day-to-day basis hearing takes place and the matter is decided within 45 days from today. The parties are to appear before the Trial Court tomorrow i.e. on 26th April, 2019. If the Accused wants to examine the witnesses he should give the list of witnesses immediately. He should deposit the witness allowance first, he should also state the purpose of examining the witness and record, if any, is to be brought by the witness to be mentioned in the same application and if it is not done, the Magistrate may pass the orders like dismissal of the application. The Court is expected to ascertain the relevance of the witness before issuing witness summons. In aforesaid terms, the petitions are allowed and disposed of. Rule is made absolute in those terms.

[MANGESH S. PATIL, J.]

[T. V. NALAWADE, J.]

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