

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 123 OF 2019

Arun Kumar Ramswarup Agarwal. ..Petitioner.
Versus
State of Maharashtra & Another. ..Respondents.

Ms. Sanjana Pardeshi i/b Law Global for the Petitioner.
Ms. S. D. Shinde, APP for the Respondent-State.

Coram : RANJIT MORE &
N. J. JAMADAR, JJ.
Date : **September 9, 2019.**

P. C. :

1. Learned counsel for the Petitioner at the outset submitted that she is not pressing relief claimed in prayer clause (a). Statement accepted.
2. The relief sought by the Petitioner by way of prayer clause (b) is thus :

“(b) in the alternative, but without prejudice to prayer clause (a) above, this Hon'ble Court may be pleased to direct the Ld. Addl. Chief Metropolitan Magistrate's 47th Court at Esplanade, Mumbai to strictly follow the dictum of the Apex Court in the matter of State of U.P. vs. Shambu Nath Singh - (2001) 4 SCC 667 in its letter and spirit and the trial of C.C.No. 397/PW/16 be directed to be completed within four/six weeks, without granting any adjournment to the prosecution and if an adjournment is imperative, the reason for according such adjournment be directed to be recorded by the learned Magistrate and similarly the Ld. Trial magistrate be directed to furnish periodical report to this Hon'ble Court with regard to progress of the trial.”

3. By the order dated 17th January 2018 passed in Writ Petition No. 4887 of 2017, this Court has already expedited the trial of CC.No.397/PW/16.

4. The grievance of the Petitioner is that despite this order, trial of the subject case is not held/conducted on regular basis. The learned APP having taken instructions, stated that trial of the subject case has already commenced; and Witness No.1 for prosecution is examined and his cross-examination is also over. She further stated that there are 23 witnesses and the prosecution shall not take unnecessary adjournments and they will co-operate for the speedy disposal of the case. She, however, makes a grievance that subject case is being adjourned at the instance of complainant and he is not co-operating.

5. We hope and trust that the concerned Magistrate shall dispose of the said criminal case as directed by this Court vide order dated 17th January 2018. We also expect that both parties shall not take unnecessary adjournments and will co-operate with the learned Metropolitan Magistrate for the speedy disposal of case. Writ petition stands disposed of.

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]