

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRI WRIT PETITION NO. 124 OF 2019**

Smt. Sunita Arunkumar Agarwal ...Petitioner
Versus
State of Maharashtra & anr. ...Respondents

Mr. Subhash Jha, a/w Sanjana Pardeshi, i/b Law Global, for
the petitioner.

Mr. K. V. Saste, APP for the State/Respondent.

Mr. S. M. Kalyankar, for Respondent no.2.

**CORAM: RANJIT MORE &
N. J. JAMADAR, JJ
DATED: 30th SEPTEMBER, 2019**

PC:-

1. Heard Mr. Jha, the learned Counsel for the petitioner.
2. The petitioner, who is an accused in C.C. No.397/PW/2016, pending on the file of the learned Additional Chief Metropolitan Magistrate, 47th Court at Esplanade, Mumbai, has filed this petition for quashing the said prosecution, and, in the alternative for directions to the learned Magistrate to complete the trial in C.C. No.397/PW/2016, within 4/6 weeks.
3. The substance of the petition is that despite the orders passed by this Court on 17th January, 2018 in Writ Petition No.4887 of 2017, whereby the trial has been expedited, there is no progress in the trial and the manner in which the trial

is being conducted, there is no reasonable prospect of the trial being concluded expeditiously.

4. Mr. Jha, the learned Counsel for the petitioner strenuously submitted that despite the directions of this Court, the learned Magistrate has not proceeded with the trial in right earnest. Respondent no.2 – First Informant has by acts and omissions ensured that the trial does not proceed and the prosecution is converted into persecution of the petitioner. It was further submitted that the fundamental right of the petitioner to have a speedy trial is being blatantly violated. Thus, the prosecution deserves to be quashed and, if not; in the alternative, the trial is required to be time-bound to ensure that the fundamental rights of the petitioner are not further violated. In support of these submissions, the learned Counsel for the petitioner placed reliance upon the judgments of the Supreme Court in the cases of *Pankaj Kumar vs. State of Maharashtra & ors.*¹ and *Hussain and another vs. Union of India*²

5. We have considered the submissions of Mr. Jha. We have also perused the aforesaid judgments.

6. In our view, in the peculiar facts of the case, the issues

1 (2008) 16 Supreme Court Cases 117.

2 (2017) 5 Supreme Court Cases 702.

raised by Mr. Jha do not warrant consideration for the reason that we have disposed of Writ Petition No.123 of 2019 filed by the husband of the petitioner herein, for the very same relief, by order dated 9th September, 2019. After noticing the submissions, in the said petition, which by and large proceeded on the same line, as urged by Mr. Jha today, we had disposed of the petition by passing following direction:

“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.”

7. In view of the aforesaid order passed in respect of the very same proceeding, on the petition of the co-accused, who had sought the very same reliefs, as the petitioner seeks in this petition, it would be neither necessary nor advisable to pass any further directions.

8. Hence, the petition stands disposed of in terms of paragraph 5 of the order passed in Writ Petition No.123 of 2019, dated 9th September, 2019 (extracted above).

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]