

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.464 OF 2017

Sou. Sangita Bhagwan Patil and ors. : Petitioners.
Versus
The State of Maharashtra and anr. : Respondents.

Mr. Onkar V Warange for the Petitioners.
Mr. A R Patil, APP, for the Respondent/State.
Mr. Rajaram V Bansode for Respondent No.2.

CORAM : S. S. SHINDE, J
DATE : 03rd July 2019

P.C.

1 Heard the learned counsel for the parties.

2 The learned counsel for the Petitioners invites this Court's attention to the averments made in the complaint and submits that the cause of action has arisen at Jalgaon and the allegations made in the complaint is an attempt to level false allegations against the Petitioners, after lapse of considerable period from the commission of the alleged offences. It is submitted that 5 Non – cognizable complaints were filed by the complainant against the Petitioners and the allegations in those 5 Non – cognizable complaints have been reiterated in composite manner in the complaint pending before the Trial Court. The sum and substance of the argument of the learned counsel for the Petitioners is that in the first place the alleged offences are not disclosed, secondly there is an inordinate delay in filing the complaint, and

thirdly the cause of action has arisen at Jalgaon and nothing had happened within the jurisdiction of CBD Belapur Police Station and Nerul Police Station, and therefore, the learned counsel for the Petitioners submits that this Petition may be allowed.

3 On the other hand the learned counsel for the Respondent No.2 - original complainant invites this Court's attention to the averments made in the complaint and submits that prima facie the alleged offences are disclosed and needs further adjudication before the concerned court. It is submitted that the cause of action has arisen even in the aforesaid two police station apart from at Jalgaon. Therefore the learned counsel for Respondent No.2-original complainant prays that this Petition may be rejected.

4 Upon appreciating the rival contentions and after perusal of the averments made in the complaint and other documents placed on record, prima facie the alleged offences are disclosed. Therefore the complaint needs to be adjudicated by the said Court. The contentions of the learned counsel for the Petitioners that the cause of action has arisen at Jalgaon and not within the jurisdiction of the aforesaid two police stations and there is inordinate delay in filing the complaint and the allegations made in the 5 Non – cognizable complaints are clubbed together in the complaint are the matters to be considered by the Trial Court. Therefore this Court is of the opinion that

without entering upon the contentions raised on merits, the ends of justice would be met in case the Trial Court of CBD Belapur is directed to hear the said complaint and dispose of the same as expeditiously as possible however within a period of three months from the date of receipt of the copy of this Order.

5 In the light of above, this Writ Petition is disposed of with directions to the Trial Court of CBD, Navi Mumbai to decide the pending proceedings i.e. Criminal Case No.6217 of 2014 as expeditiously as possible however within a period of three months from the date of receipt of the copy of this order.

6 Needless to observe that the concerned Trial Court shall not entertain the prayer for adjournment unless there are compelling reasons or natural calamities, and therefore it is necessary to accede to the prayer for adjournment.

7 The observations made herein above are confined to the adjudication of this Writ Petition and, the concerned Trial Court shall not get influenced by the observations made herein above while deciding the said complaint.

[S. S. SHINDE , J]