

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.628 OF 2019

Dr.Alankar Khanvilkar

... Petitioner

Vs.

The State of Maharashtra & Ors.

... Respondents

Mr.E.A. Sasi for the Petitioner

Mr.A.R. Patil, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: FEBRUARY 6, 2019

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. The petitioner in this petition is the original complainant and seeks prosecution of the accused under section 304A on the ground of medical negligence. He has made two applications before the learned Metropolitan Magistrate 66th Mobile Court at Andheri, Mumbai i.e., one for seeking time to engage a special prosecutor in his matter from the Law & Judiciary department and second, for adding two persons as accused in the main proceedings. The learned Magistrate has rejected both the

applications and so he has filed criminal Revision Application No.176 of 2016 before the Sessions Court against the order of the learned Magistrate rejecting the application for adding two persons as accused. It is also prayed that a third application was moved by the original complainant for transfer of the case from 66th Mobile Court at Andheri to any other Court.

3. Learned Prosecutor submits to the orders of the Court.

4. In view of the prayers made in the petition, there is no necessity to add the accused as party to this petition and I am of the view that with the following order, the petition can be disposed of:

i) The accused are to be added in the Criminal Revision Application No.176 of 2016.

ii) The learned Sessions Court to expedite the hearing of criminal Revision Application No.176 of 2016, preferably in four months from otday.

5. Writ Petition is disposed of accordingly.

(MRIDULA BHATKAR, J.)