

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1023 OF 2019**

Pratik Vinod Shirgaonkar
Versus
The State of Maharashtra

...Petitioner

...Respondent

Mr. Shyamrishi Pathak for the Petitioner

None for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 27th NOVEMBER 2019

P.C. :

1 Heard learned counsel for the petitioner.

2 By this petition, the petitioner has sought the following relief:

“b. That this Hon’ble Court in exercise of its writ jurisdiction may kindly be pleased to issue Writ in the nature of certiorari or any other appropriate writ as this Hon’ble Court deems fit and proper and direct the Learned M.M. 53rd Court, Mulund, Mumbai to expeditiously dispose of C.C. No. 5300484/PW/ 2010.”

3 Learned counsel for the petitioner submits that the case is of 2010 and that till date, the trial has not progressed. He submits that the petitioner is the original accused No. 1 in the said case. He states that the other co-accused are not traceable and hence, non-bailable warrants issued

against the said co-accused are pending since 2016. He submits that till date, the prosecution has not submitted its report whether the non-bailable warrants have been served or not on the said accused i.e. accused Nos. 2 to 4. He submits that the petitioner is diligently appearing before the trial Court on the dates given and that the trial be expedited since the petitioner having completed his studies, wants to travel abroad for earning his livelihood. He submits that the trial of the petitioner be separated from that of the other co-accused.

4 Perused the papers. The FIR was registered as against the applicant and other co-accused in 2010 and after investigation, charge-sheet was filed. The offences alleged as against the applicant are offences under Sections 324, 323, 524 of the Indian Penal Code. Considering the fact that the case is of the year 2010, the trial of the petitioner needs to be expedited. Accordingly, the following order is passed :

ORDER

- (i) The trial of the petitioner i.e. C.C. No. 5300484/PW/2010 pending on the file of the learned Metropolitan Magistrate, 53rd Court, Mulund, Mumbai, is expedited;

(ii) The learned Judge to dispose of the said case as expeditiously as possible and in any event, within nine months from the date of receipt of this order;

(iii) It is open for the learned Judge to separate the trial of the petitioner, if the other co-accused are not available for trial;

(iv) Application is disposed of on the aforesaid terms.

5 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.