

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3268 OF 2019

M/s. Bluebird Leisure and Holidays Ltd and ors. : Petitioners.

Versus

M/s. International Air Transport Association : Respondent.

Mr. Pankaj D Purway for the Petitioners.

Mr. Sumant Deshpande for Respondent No.1.

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

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

P.C.

1 Heard the learned counsel for the Petitioners and Respondent No.1. It appears that this Court (Coram : Mrs. Mridula Bhatkar, J) by order dated 22/03/2019 directed the learned Metropolitan Magistrate, 48th Court, Andheri to conclude the trial on before 03/05/2019 and parties were directed to appear before the learned Metropolitan Magistrate on 28/03/2019 at 11.00 am.

2 The learned counsel appearing for the Petitioners submits that since the Petitioner is residing at Kolkata and he arrived in Mumbai one day prior to the date fixed for recording evidence, however, the Petitioner was not prepared for recording evidence, and therefore, the Petitioner applied for couple of days adjournment. It is submitted that the Petitioner has already

paid Rs.Seven Crores out of Rs.Nine Crores and the Petitioner wanted to bring on record certain documents, therefore, opportunity ought to have given to the Petitioner. However, the trial court has rejected the application of the Petitioner on the ground that the Petitioner is trying to prolong the matter.

3 On the other hand the learned counsel for the first Respondent invites attention of this Court to the averments in the affidavit in reply and submits that the Petitioner has not approached this Court with clean hand. It is submitted that the proceedings are pending before the concerned Court since 2011 and, the same are adjourned from time to time. He submits that when the direction was issued by this Court for concluding the trial on or before 03/05/2019, the question of granting further adjournment by acceding to the prayer of the Petitioner by the said Court could not arise.

4 Heard the learned counsel for the parties. Perused the reasons assigned in the impugned order by the trial Court. Admittedly the proceedings are pending since 2011. In view of the mandate of Section 143(3) of the Negotiable Instruments Act, so also the judgment of the Supreme Court in the case of Indian Bank Association and others vs Union of India and others, reported in (2014) 5 SCC 590, the concerned court was obliged to dispose of the proceedings within six months from its institution so also record the evidence within three months from the assignment of the case. Be that as it

may, considering the reasons assigned by the learned Metropolitan Magistrate and keeping in view of the order of this Court by order dated 22/03/2019 directing the learned Metropolitan Magistrate to conclude the trial on or before 03/05/2019, no interference is caused for in the impugned order. Hence the writ petition stands rejected.

[S. S. SHINDE , J]