

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

CRIMINAL APPLICATION NO. 1007 OF 2019

Fazal Allauddin Shaikh

...Applicant

Versus

The State of Maharashtra and Ors.

...Respondents

Mrs. R.R. Jaiswal for applicant.

Mrs. M.R. Tidke, APP for Respondent – State.

CORAM : S.S. SHINDE, J.

DATE : 19th AUGUST 2019

P.C.:

1. Heard learned counsel appearing for applicant. She submits that, one more opportunity may be given to the applicant to argue the application for discharge. She submits that, it is true that, on 10th April 2019, application of the applicant for adjournment was allowed as a last chance. However, she prays that, in the interest of justice one more opportunity may be given to the applicant.

2. There is specific query to the learned counsel appearing for applicant that, whether the applicant or the Advocate, who did not appear before the said Court, is ready to deposit the cost so as to

compensate the contesting Respondent. Learned counsel appearing for the applicant replied in negative.

3. Upon hearing the learned counsel appearing for the applicant, and upon perusal of the reasons assigned by the Metropolitan Magistrate 32nd Court, Bandra, Mumbai, and in particular reasons mentioned in Para 3, this Court is convinced that the applicant is trying to prolong the hearing of the proceedings pending before the Trial Court. In fact, on 10th April 2019, application filed by the applicant for adjournment was allowed as last chance. The said Court was constrained to observe that, even thereafter on one date, an adjournment was sought by counsel appearing for the applicant. In that view of the matter, the reasons assigned by the said Court in the impugned order cannot be said to be contrary to the record. No case is made out. Hence, application stands rejected.

(S.S. SHINDE, J.)