

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4626 OF 2019

Smruti Tukaram Badade @

Smruti Prasanna Ayre

: Petitioner.

Versus

The State of Maharashtra and ors.

: Respondents.

Mr. Rajaram V Bansode a/w Mr. Kiran Nikam for the Petitioner.

Mrs. G P Mulekar, APP for the Respondent/State.

CORAM : S. S. SHINDE, J
DATE : 13th September 2019

P.C.

1 The learned counsel appearing for the Petitioner submits that the Petitioner has applied on 14/08/2019 for appointment of Special Public Prosecutor to appear for prosecution before the Trial Court. However, yet the Respondent/State Government has not taken any decision on the said application of the Petitioner. It is submitted that the Petitioner has filed undertaking before the Trial Court that 45 days time may be granted to the State Government to decide the said application filed by the Petitioner for appointment of Special Public Prosecutor, and till the then the proceedings pending before the trial Court may be stayed. It is also submitted that the informant will remain present immediately after expiry of 45 days period before the Trial Court for recording evidence.

2 However, the Trial Court deemed it appropriate to grant 15 days time, and by order dated 28/08/2019 disposed of the application of the Petitioner seeking time of six weeks as prayed for enabling her to request the Respondent/State for appointment of Special Public Prosecutor.

3 Heard the learned counsel for the Petitioner and the learned APP for the Respondent/State. The prayer made by the Petitioner appears to be reasonable and genuine. The fact that the Petitioner has filed application with the State Government for appointment of Special Public Prosecutor is not in dispute. In that view of the matter, the ends of justice would be met in case the proceedings of Sessions Case No.234 of 2015 pending on the file of learned District Judge -3 and Additional Sessions Judge, Thane are stayed till 10/10/2019 so as to enable the Petitioner to get her application decided for appointment of Special Public Prosecutor as undertaken by the Petitioner. It is informed across the bar that the next date before the Trial Court is 16/09/2019. The Trial Court shall fix the next date in the matter as 11/10/2019. The learned counsel for the Petitioner, on instructions, state that the Petitioner will appear before the Trial Court on the next date i.e. on 11/10/2019. It is made clear that no prayer for extension of aforesaid time would be entertained. The impugned order dated 28/08/2019 passed by the Trial Court granting 15 days time to the Petitioner and directing the Petitioner

to appear for recording evidence on 16/09/2019 stands modified to the aforesaid extent. With the aforesaid observations, this Writ Petition is disposed of.

[S. S. SHINDE , J]