

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.5943 OF 2019

Bharati Kanhayalal Makhija & Anr.	]	Petitioners
Vs.		
Mohd. Yaha Abusoheb and others.	]	Respondents

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Ms. B. V. Reddy, for the Petitioners.

Mr. A.R. Patil, A.P.P for the Respondent No.7- State.

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CORAM : REVATI MOHITE DERE, J.

DATE : 2nd DECEMBER, 2019.

P.C. :

Heard learned Counsel for the parties.

2. By filing this Petition, the petitioners seek the following relief;

“(a)This Hon’ble Court be pleased to issue the directions to the Metropolitan Magistrate to expedite the proceedings being complaint No.22/I & R of 2005 pending before the Metropolitan Magistrate Court which is pending since last 14 years and to dispose off within 6-8 months from this date;”

3. Learned Counsel for the petitioners submits that the case is pending in the Court of Metropolitan Magistrate 32nd Court, Bandra, Mumbai for the last 14 years and that till date, evidence of only one witness is recorded. She submits that the case was filed in the year 2005.

4. Perused the papers. Admittedly, the petitioners had filed a Criminal Complaint in 2005. It appears that the said case filed by the petitioners was dismissed on 26th March, 2008 on the basis of the Police Report which stated that the dispute was civil in nature. Thereafter, the petitioners filed Criminal Revision Application in the Sessions Court, which was allowed vide order dated 11th September, 2009 and the matter was sent back to the Court of the Metropolitan Magistrate. It appears that thereafter, the trial commenced and one witness has been examined, as stated by the learned Counsel for the petitioners. It appears from a perusal of the chart and Roznama annexed to the Petition that there is no substantial progress in the said case.

5. Considering that the complaint is of the year 2005, the learned Metropolitan Magistrate to decide the same as

expeditiously as possible and in any event, within 12 months from the date of receipt of this order.

6. Accordingly, the Petition is disposed of.

7. All concerned to act upon the authenticated copy of this order.

[REVATI MOHITE DERE, J.]