

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

CRIMINAL WRIT PETITION NO.4983 OF 2018

Eldred Anthony Nichloas Lobo

... Petitioner

Vs.

The State of Maharashtra

... Respondent

Mr.S.S. Patil for the Petitioner

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

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: JANUARY 8, 2019

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. Rule. By consent of the parties, Rule made returnable forthwith and heard finally.
3. Learned Counsel for the petitioner submits that the petitioner is the complainant in a summary criminal case No.483 of 2005 which was decided on 20.3.2006 by the learned 4th C.J.J.D. & J.M.F.C., Thane, thereby directing the accused persons to pay compensation of Rs.1,27,00,000/- under section 357(3) of the Code of Criminal Procedure within one month from the date of the

order to the complainant. The complainant thereafter filed Miscellaneous Application No.280 of 2009 for execution of this order which is pending before the learned 6th JMFC, Thane. He prays that it is to be expedited. He submits that the learned Judge has heard him in October, 2016 and the matter is closed for orders however, no order is passed till today.

4. Perused the roznama. The accused are not made party to this petition. However, in view of the submissions, it is directed that if the same learned Magistrate is presiding over the Court, then he shall pass order on or before 10.2.2019 and if another Magistrate is presiding as a successor of the Magistrate who has heard the arguments and the matter and who had not passed the order, then, the learned Magistrate who is presiding now, is directed to hear the matter and decide the same on or before 28.2.2019.

5. With the above order, Rule is made absolute accordingly. Writ Petition stands disposed of.

(MRIDULA BHATKAR, J.)