

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.32 OF 2020

HAROON EBRAHIM PATEL

)...PETITIONER

V/s.

THE STATE OF MAHARASHTRA AND ANR.)...RESPONDENTS

Mr.Rajesh Khobragade a/w. Ms.Gayatri Nayak, Advocate for the Petitioner.

Mr.R.M.Pethe, APP for the Respondent – State.

Mr.Girish Kulkarni i/b. Mr.Suneet Tyagi and Mr.Omprakash Vishnav, Advocate for Respondent No.2.

CORAM : A. M. BADAR, J.

DATE : 11th FEBRUARY 2020

P.C. :

1 By this petition, the petitioner, who happens to be original complainant, is praying for directing the learned Additional Sessions Judge, Dindoshi, Mumbai, to dispose off the revision petition pending on his file in a time bound manner and preferably, within a period of four weeks.

2 Heard the learned counsel appearing for the petitioner/ original complainant. He argued that the petitioner is a senior citizen and in the complaint filed by him, wherein it is alleged that the respondent no.2 herein has committed several offences, the process may be issued. In submission of the learned counsel for the petitioner/original complainant, by filing revision petition before the learned Sessions Judge, Mumbai, that order issuing process came to be challenged by the respondent no.2 herein/accused person. By pointing out roznamas of the learned revisional court, the learned counsel for the petitioner/original complainant argued that there is virtually no progress in the revision petition for a considerable period. He further urged that order of staying the proceedings before the learned trial court is operating in that revision petition right from 9th October 2018, and therefore, the hearing of the revision petition needs to be expedited.

3 As against this, the learned counsel appearing for the respondent no.2 herein/original accused argued that the

roznamas sought to be relied upon by the petitioner himself shows that the court was always busy in either some time bound matters or in some other urgent matters such as bail applications or anticipatory bail applications. The learned counsel appearing for the respondent no.2 herein/original accused argued that adjournments were not at the instance of the respondent no.2 herein/original accused, and therefore, prayer made in the petition cannot be granted.

4 I have considered the submissions so advanced and perused the roznamas filed with the petition. It is seen that ad-interim order granting stay to the order of issuance of process is operating in the revision petition for more than one year. At the same time, it is also noticed that the revision petition is not being adjourned at the instance of the respondent no.2 herein/ original accused. It appears that the learned revisional court is busy in some other matters including time bound matters and that is how the revision petition could not be heard.

5 It is seen that even the petitioner herein/original complainant never applied to the learned revisional court to expedite hearing of the revision petition in the wake of operation of ad-interim ex-parte stay in the matter. This court is not aware about pendency of matters before the learned revisional court, in order to grant out of turn hearing, as sought for, in this petition.

6 In this view of the matter, the petition is disposed off with the following order :

ORDER

- i) The petitioner is given liberty to apply to the learned revisional court for early hearing of the revision petition and if such application is made, then the learned revisional court to decide the issue of hearing the revision petition, considering the pendency of time bound matters and other urgent matters on the file of the said court.
- ii) The petition is disposed off accordingly.

(A. M. BADAR, J.)

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