

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 260 OF 2020

Shri Arun Hindurao Sawant

Age : 60 years; Hindu,

Occupation : Retired,

R/at : 2/D/70, Ekatmata Nagar,

Next to Jain temple, J.B. Nagar,

Andheri (E), Mumbai

...Petitioner

vs.

1) State of Maharashtra

(through Andheri P. Station)

CR No. 255/12

2) Smita S. Sawant

R/at : 2/B/24, Ekatmata Nagar,

Next to Jain temple, J.B. Nagar,

Andheri (E), Mumbai

...Respondents

Ms.Babita P. Pandey for petitioner.

Msr.S.D. Shinde, APP for respondent No.1-State.

Mr. Kunal Ambulkar i/b Mr. Omkar P. Mulekar for respondent No.2.

CORAM : S. S. SHINDE &
N. J. JAMADAR, JJ.
DATE : 12th AUGUST, 2021

PC :

1. Heard the learned counsels for the parties.
2. The principal grievance in this petition is that Criminal Case No.1388/PW/13 is pending before the learned Metropolitan Magistrate, Railway Court at Andheri, Mumbai, for more than eight

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years and the pendency of the said proceedings is operating to the prejudice of the petitioner, who is a retired employee of Brihan Mumbai Municipal Corporation. The petitioner is deprived of pensionary benefits.

3. In the backdrop of the said grievance, by an order dated 10th March 2021, this Court had called report from the learned Metropolitan Magistrate, Railway Court, who is seized with Criminal Case No.1388/PW/2013. In the communication dated 13th March 2021, the learned Metropolitan Magistrate, Railway Court, has reported that the charge was framed on 8th December 2020 and the matter came to be posted for recording evidence of witnesses on 14th June 2021.

4. Since Criminal Case No. 1388/PW/2013 is ripe for hearing and the trial has, in a sense, commenced, the grievance of the petitioner would be substantially redressed, if the learned Metropolitan Magistrate, Railway Court is directed to make an endeavour to expeditiously conclude the trial in the said case. In fact, the alternate prayer of the petitioner is to expedite the trial in the said case.

5. In view of above, we direct the learned Metropolitan Magistrate, Railway Court at Andheri to make an endeavour to

dispose of Criminal Case No.1388/PW/2013 as expeditiously as possible and preferably within a period of six months from the date of communication of this order.

6. The petitioner shall render necessary co-operation in the disposal of the abovenumbered case and shall not seek adjournment on any count whatsoever.

7. The petition thus stands disposed of, with the aforesaid directions.

(N. J. JAMADAR, J.)

(S. S. SHINDE, J.)