

Tauseef

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.47 OF 2021**

Mrs. Shamim Bano Modak & Anr.	...Applicants
V/S.	
State of Maharashtra & Anr.	...Respondents

Mr. P.H. Jaggi, Advocate for the Applicants.
Mr. A.R. Patil, APP for the State – Respondent No.1.

**CORAM : A. S. GADKARI, J.
DATE : 1st MARCH, 2021.**

P.C.:

1. By the present Application filed under Section 483 of Code of Criminal Procedure (for short, 'Cr.P.C.') the Applicants / Original Accused in Case No.1301/PW of 2014, have prayed for, directions to the learned Trial Court for deciding there application for discharge filed under Section 245 of Cr.P.C. dated 05th May 2015 within stipulated period.
2. Mr. Jaggi, learned counsel for the Applicants tendered across the bar an Affidavit of Service upon Respondent No.2, dated 1st March 2021. The same is taken on record. Despite service, none appears for the Respondent No.2.
3. The Applicant has made a categorical averment in the application that, the said application is pending on the file of the Trial Court for last more than five years.

4. In view thereof, the learned Additional Chief Metropolitan Magistrate, 51st Court, at Kurla, Mumbai, seized of Criminal Case No.1301/PW of 2014 arising out of F.I.R. No.178 of 2014 registered with the Kurla Police Station, Mumbai, is directed to decide the discharge application dated 5th May 2015 filed by the Applicants within a period of six weeks from the date of receipt of present Order.

5. Application is allowed in the aforesaid terms.

(A. S. GADKARI, J.)