

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 6585 OF 2021**

Radheshyam Laxmanrao Mopalwar

... Petitioner

Versus

The State of Maharashtra and Ors.

... Respondents

Mr. Chirag Chanani a/w Ms. Shweta Rathod, Purvi Doctor, Pallavi Kulkarni i/b Sneha Sanap, for the Petitioner.

Mr.H. J. Dedhia, APP for the State-Respondent No.1.

Ms. Apeksha Vora, for Respondent No.2.

CORAM : V. G. BISHT, J.

DATE : 23rd December, 2021.

PC:

Rule. Rule returnable forthwith.

2 Heard learned counsel for Petitioner, learned Counsel for Respondent No.2 and learned APP

3 According to learned Counsel for Petitioner, despite there being orders by this Court from time to time, the MCOC Special

Case No. 18 of 2018 is not disposed of and therefore, in view of the orders passed by this Court the learned Special Judge, City Civil and Sessions Court, Greater Bombay, Mumbai, be given suitable directions for expeditious disposal of the case.

4 Mr. Dedhia, learned APP, on the other hand, submits that the proceedings is not being attended by the learned Counsel for respondent no.2 regularly, therefore, delay in the disposal of the said case.

5 Ms. Vora, learned Counsel for respondent no.2, submits that she has approached before the Hon'ble Apex Court regarding stay of the proceedings, however, when confronted by this Court as to whether any stay order is passed by the Hon'ble Apex Court, she replied in negative.

6 Perused the record. It appears that MCOC Special Case No. 18 of 2018 (old no. 1 of 2018) was directed to be disposed of as expeditiously as possible by conducting it on day to day basis, and in any case, on or before 15th February, 2020 by this Court (Coram:

A.M. BADAR, J.) vide order dated 16th December, 2019 passed in Criminal Writ Petition No. 5265 of 2019. The order is produced on record (Exh.F).

7 It then appears that on 10th February, 2020 the Special Judge, City Civil and Sessions Court, Greater Bombay, Mumbai sent a Communication praying for extension of time for six months to decide the said matter.

8 It seems that Interim Application No. 01 of 2020 in Criminal Writ Petition No. 5265 of 2019 was moved for seeking extension of time for disposing of the MCOC Special Case No. 18 of 2018. Accordingly this Court (SMT. SADHANA S. JADHAV, J.) vide order dated 13th March, 2020 extended the time for a period of six months with effect from 10th February, 2020. The said order is also on record (Exh.G). However, it seems that the trial Court was not able to conclude the trial as per the directions of this Court dated 13th January, 2020.

9 During the course of submissions, learned Counsel for Petitioner submitted that the trial Court though had sent a Communication requesting extension of time but it seems that the said letter was not placed before this Court and because of that the trial seems to be not progressing in accordance with directions issued by this Court.

10 Having regard to the clear cut and specific directions given by this Court vide order dated 16th December, 2019 (Exh.F) and then order dated 13th March, 2020 (Exh.G), in my view, fresh extension of time is required to be given so as to enable the learned Trial Court to dispose of the MCOC Special Case No. 18 of 2018.

11 In view of above, I pass the following order.

ORDER

(i) The Petition is allowed with a direction to the learned Special Judge, City Civil and Sessions Court, Greater Bombay, Mumbai to dispose of the trial of MCOC Special Case No. 18 of 2018 (old no.1 of 2018) expeditiously, by conducting it on day to day basis, and in

any case, on or before 28th February, 2022.

(ii) All parties are directed to co-operate the learned trial Court in expeditious disposal of the trial in a given time frame.

(iii) Rule is made absolute in above terms.

(iv) Parties to act on authenticated copy of this order.

(V. G. BISHT, J.)

REKHA
PRAKASH
PATIL

Digitally signed by
REKHA PRAKASH
PATIL
Date: 2021.12.23
15:54:11 +0530