

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 237 OF 2022**

Mohammed Jabir Gulam Rasool Sheroo

....Petitioner

Versus

The State of Maharashtra and ors.

....Respondents

Mr. Subhash Jha along with Mr. Siddharth Jha and Mr. Dwivendra Dubey
i/b. Law Global, Advocates for the petitioner.
Ms. M. M. Deshmukh, APP for the State.

**CORAM : PRASANNA B. VARALE &
N. R. BORKAR, JJ.**

DATE : 4th OCTOBER, 2022.

P.C. :

1. On a grievance that trial of C.C.No.277/PW/2005 is pending before the learned Additional Chief Metropolitan Magistrate, 16th Court at Ballard Pier, Mumbai, for a considerable length of period, vide order dated 21st September, 2022, learned APP was called upon to seek response from the counter part in the trial Court and make a statement before this Court on the next date. Accordingly, today, learned APP, on instructions, submitted before this Court that in the said trial, there are as many as 13 witnesses and out of these 13 witnesses, 4 witnesses are already examined by the Court and remaining 9 witnesses are yet to be examined. Learned APP, on instructions, further submitted that the said

Court of Additional Chief Metropolitan Magistrate, 16th Court at Ballard Peir, Mumbai, is vacant since July, 2022, may be due to some administrative reasons.

2. In view of the response from learned APP, we deem it appropriate to dispose of the petition with following directions :

ORDER

1. Learned Chief Metropolitan Magistrate to verify the factual position in respect of Court of Additional Chief Metropolitan Magistrate's 16th Court at Ballard Pier, Mumbai.

2. On verification, if learned Chief Metropolitan Magistrate finds that the said Court of Additional Chief Metropolitan Magistrate is vacant for any reason, he may transfer the said case i.e. C.C.No.277/PW/2005 to other judicial officer.

3. After such transfer, the said judicial officer to whom the case is assigned shall take appropriate steps to ensure that the trial of C.C.No.277/PW/2005 concludes as early as possible and not later than 9 months from the date of such transfer of the case to the said judicial officer.

4. Learned Judicial Officer may also take appropriate steps to take up the case on day-to-day basis if it is possible for the Court and if there is required assistance from all the parties.

5. Needless to state that if the concerned judicial officer finds that on one pretext or the other, attempt is made to delay the trial, the learned judicial officer shall pass appropriate orders in accordance with law.

With these directions, the writ petition stands disposed of.

(N. R. BORKAR, J.)

(PRASANNA B. VARALE, J.)