

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.2850 OF 2022
IN
CRIMINAL APPEAL NO.3532 OF 2019**

M/s Daulat Exim Private Limited
through Ramesh Nimjibhai Kapadia Applicant.

versus

A. D. Moodie Consultants Private Limited &
Anr. Respondents.

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- Mr. Subir Sarkar, Advocate for Applicant.
- Mr. Amit Jhaveri, Respondent No.1 as party in person.
- Mr. P. H. Gaikwad, APP for the State/Respondent No.2.

**CORAM : SARANG V. KOTWAL, J.
DATE : 23rd SEPTEMBER, 2022**

P.C. :

1. This is an Interim Application in Writ Petition No.3532 of 2019 which is disposed of by this Court (Coram : Revati Mohite Dere, J.) vide order dated 09/03/2022. The grievance of the accused/Respondent No.1 herein was that the complainant was prolonging the matter and the arguments on behalf of the complainant were not being advanced. The Magistrate had

closed the matter and that order was challenged by the complainant in aforementioned Writ Petition. While disposing of that Writ Petition this Court had directed the complainant, his advocate and the accused to appear before the trial Court on 05/04/2022, after which the learned Judge was expected to give dates convenient to him. The trial Judge was directed to hear the arguments of the Advocate for the complainant as well as the Respondent No.1/accused as expeditiously as possible on or before 30/06/2022. The arguments were not advanced before that date and therefore this application is filed for extension of that period.

2. Heard Mr. Subir Sarkar, learned counsel for the Applicant, Mr. P. H. Gaikwad, learned APP for the State and Mr. Amit Jhaveri, Respondent No.1 as party in person.
3. Learned counsel for the Applicant states that the record of the case is voluminous and both the parties had applied for certified copies. The copies are now available and the

complainant is ready to go on with the matter. Learned counsel for the Applicant states that the next date in the trial Court is 04/10/2022. The Respondent No.1 who appears as party-in-person submits that by way of last chance a date may be fixed on which date arguments must start. Otherwise the complainant need not be shown unnecessary indulgence, which would be harassment to Respondent No.1 who is facing trial for 22 years.

4. Considering all these submissions, following order is passed :

ORDER

- (i) The complainant's advocate shall start his arguments on 04/10/2022.
- (ii) The trial Court shall see to it that the arguments are concluded as expeditiously as possible by giving fair chance to both the parties.
- (iii) The date 30/06/2022 mentioned in the order dated 09/03/2022 is extended upto

20/12/2022. Thus the learned Judge now to complete hearing of the arguments on or before 20/12/2022.

- (iv) With these directions, the application is disposed of.

(SARANG V. KOTWAL, J.)