

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3285 OF 2022

Marwah Steels Pvt. Ltd. ... Petitioner

Versus

The State of Maharashtra and others ... Respondents

.....

Mr. Rajesh Singh instructed by Mr. Rishabh Singh for the Petitioner.
Ms. M.M. Deshmukh, APP for the State.

.....

CORAM : N.R. BORKAR, JJ.
DATED : 7 OCTOBER 2022

P.C. :-

1. By the present Petition, the Petitioner has prayed that the learned Metropolitan Magistrate, 58th Court, Bandra, Mumbai be directed to expedite hearing of C.C. No.2857/SS/2015 and dispose it of in time bound manner.

2. Considering the prayer made in the Petition, notice to the Respondents is dispensed with.

3. I have heard the learned Counsel for the Petitioner. The Petitioner herein has filed a complaint case against Respondents/accused for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 in the year 2015. In March 2016, the Petitioner has filed an Affidavit in lieu of examination-in-chief. The grievance of the

Petitioner is that the learned Magistrate is liberally granting adjournment to the accused, though last chance was granted to the accused to cross-examine the Petitioner way back in the year 2018.

4. In appears from the order dated 20th March 2018 (at page 53), that the learned Magistrate rejected the application filed by the accused for adjournment and passed no-cross order. It appears that thereafter the accused filed an application to recall Petitioner for cross-examination. The trial court by order dated 6th December 2018 allowed the said application, subject to cost of Rs.10000/-. The learned Counsel for the Petitioner submitted that inspite of above orders, there is no progress in the matter and the matter is still pending at the stage of cross-examination of the Petitioner-Complainant.

5. Considering the facts and circumstances, the learned Magistrate shall endeavour to decide the C.C. No.2857/SS/2015 as early as possible and in any case within nine months from the date of receipt of copy of this order.

6. The Writ Petition is disposed of in aforesaid terms.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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by KANCHAN
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