

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

CRIMINAL WRIT PETITION NO.618 OF 2018

Nagbhushanrao Chinna Mahendrakar
and others

..... Petitioners

Versus

Sonali Navinkumar Mahendrakar
and others

.... Respondents

Mr. Pankaj D. Purway, Advocate a/w. Akshay Bhalerao for
the Petitioners.

Mr. Rahul S. Kadam, Advocate for Respondent Nos.1 & 2.

Mr. M.G. Patil, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 17th JULY, 2023

P.C. :

1. Heard Shri Pankaj Purway, learned counsel for
the Petitioners, Shri Rahul Kadam, learned counsel for the
Respondent Nos.1 & 2 and Shri M.G. Patil, learned APP for
the State.

2. This Petition is pending since the year 2018 challenging the proceedings filed by the Respondent No.1 herein before the Judicial Magistrate, First Class, 27th Court, Pune in the year 2017. About six years have passed and the matter is still not concluded finally.

3. Learned counsel for the Petitioners submitted that on 21.9.2019 an interim order was passed below Exhibit-70 in Criminal M.A. No.2557/2017 i.e. in the same proceedings, in the nature of restraint order against the Petitioners in respect of accommodation of the Respondent No.1.

4. Learned counsel appearing for the Respondent Nos.1 & 2, on instructions, states that the evidence in the form of an affidavit is already filed on behalf of the Respondent No.1 i.e. the original complainant.

5. Therefore, in these circumstances, it would be in the interest of justice if the trial Court is directed to conclude the proceedings in a time bound manner rather than

entertaining this Petition, which is pending unnecessarily for an inordinate period. Subsequent to filing of this Petition, an interim order is passed which would be a separate cause of action. Instead of keeping the main matter pending before the learned Magistrate, the entire proceedings can be put to an end on the basis of the evidence which can be adduced by the parties.

6. Learned counsel for the Petitioners states that he will not press this petition in view of the subsequent development and in view of the long pendency of the main matter. His only submission is that all the contentions raised in the Petition may be kept open to be decided at the final stages of those proceedings. The request is quite reasonable.

7. Hence, the following order:

:: O R D E R ::

- i. The Petition is disposed of as not pressed.
- ii. Learned Judicial Magistrate, First Class, 27th Court, Pune is directed to finally conclude and decide

Criminal M.A. No.2557/2017 pending before him initiated on the complaint filed by the Respondent No.1 herein, within a period of six months from today.

- iii. All contentions raised by both the sides are specifically left open. Learned Magistrate shall not be influenced by withdrawal of this Petition.
- iv. The Petition is disposed of accordingly.

PRADIPKUMAR
PRAKASHRAO
DESHMANE

Digitally signed by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date: 2023.07.18
11:48:08 +0530

(SARANG V. KOTWAL, J.)

Deshmane (PS)