

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

CRIMINAL APPLICATION NO.299 OF 2023

Rafique Ibrahim Tambe

.... Applicant

versus

Subhash Mohan Pawar & Ors.

.... Respondents

.....

- Mr. Akshay R. Kapadia, Advocate for Applicant.
- Mr. Arfan Sait, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 23rd AUGUST, 2023**

P.C. :

1. This application is filed for the directions to the Metropolitan Magistrate, 69th Court, Mazgaon, to expedite the trial in Criminal Complaint No.61/SW/2012 in a time bound manner. The complaint is filed for commission of offence punishable u/s 415, 416, 419, 420, 463, 464, 465, 467, 468, 471, 474 r/w 34 of the Indian Penal Code.

2. The office noting shows that the notice is served on the Respondents, who are the original accused, for final dismissal. However, nobody appears for them.

3. I have heard learned counsel for the Applicant. He submitted that the complaint is filed in the year 2012. Thereafter the process was issued. After that, the accused were discharged. The Applicant/complainant challenged that order before the Sessions Court. The learned Magistrate's order discharging the accused was reversed and at present the trial is pending for evidence before charge.

4. Learned counsel for the Applicant submitted that there is practically no progress in the trial since the year 2012. More than 11 years have passed. The grievance of the complainant/Applicant is genuine. Therefore directions will have to be issued to the learned Magistrate to conclude the trial expeditiously.

5. Hence, the following order :

ORDER

- (i) The Metropolitan Magistrate, 69th Court, Mazgaon, is directed to take up the trial in

connection with Criminal Complaint No.61/SW/2012 expeditiously and conclude it within one year from today.

- (ii) With these observations, the application is disposed of.

(SARANG V. KOTWAL, J.)