

AGK

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

WRIT PETITION NO.1147 OF 2023

Paresh Sevantilal Kapashi

... Petitioner

V/s.

The State of Maharashtra & Anr.

... Respondents

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Ms. Savita Mundra for the petitioner.

Mr. M.G. Patil, APP for respondent no.1/State.

CORAM : AMIT BORKAR, J.

DATED : APRIL 5, 2023

P.C.:

1. The relief sought in the writ petition is to direct the learned Magistrate to expedite the trial. The source of power to file such application, according to the petitioner, is under section 483 of the Criminal Procedure Code, 1973. The power under section 483 of the Code is supervisory power as opposed to original power, the person must invoke appellate jurisdiction as opposed to the original jurisdiction. From the averments in the writ petition, it is clear that the original jurisdiction is invoked. Since under section 483 of the Criminal Procedure Code, 1973, this Court has no original jurisdiction but only supervisory jurisdiction, such writ petition cannot be entertained.

2. However, it is made clear that the petitioner will have remedy of filing such application before the learned Magistrate

and if any adverse order is passed on such application, it will be open for the petitioner to invoke appellate jurisdiction of this Court under appropriate provisions of the Act, where this Court will have benefit of reasons of the Trial Court.

3. The writ petition, therefore, stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)