

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

CRIMINAL WRIT PETITION NO.1944 OF 2023

Vipul Kalyanji Mota

..... Petitioner

Versus

The State of Maharashtra
and another

.... Respondents

Mr. Hasanuddin S. Ansari, Advocate for the Petitioner.

Mr.S.H. Yadav, APP for the Respondent-State.

Ms. Keral Mehta, Advocate for the Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 30th AUGUST, 2023

P.C. :

1. In this Petition, the Petitioner is praying for setting aside the order dated 12.1.2023 passed by learned Metropolitan Magistrate, 14th Court, Girgaon, Mumbai in case No.616/SS/2018. The Petitioner is the original accused in that case. The Respondent No.2 is the original complainant. The trial proceeded. The complainant closed his evidence. The statement of the accused under Section 313 of Cr.P.C. was recorded. On 12.1.2023, learned Advocate

for the Petitioner preferred an application for short adjournment for leading defence evidence. That application was rejected by the impugned order and, therefore, the present Petition is filed.

2. Learned counsel for the Petitioner submitted that the Petitioner has no intention to unnecessarily delay the trial. He submitted that the Petitioner will conclude his evidence within a reasonable period by examining all his defence witnesses.

3. Learned counsel for the Respondent No.2-original complainant fairly stated that the application can be allowed and an opportunity can be granted to the Petitioner to examine his defence witnesses. Her only request is that the trial be made time bound so that the Petitioner does not resort to delaying tactics.

4. Considering the concession given by learned counsel for the original complainant-Respondent No.2 herein and in the interest of justice, to afford full opportunity to the

Petitioner to establish his innocence through the defence witnesses, I am inclined to allow this Petition.

5. Hence, the following order:

:: O R D E R ::

- i. The order dated 12.1.2023 passed by learned Metropolitan Magistrate, 14th Court, Girgaon, Mumbai in case No.616/SS/2018 is set aside.
- ii. The Petitioner is permitted to examine his defence witnesses and lead defence evidence within a reasonable period.
- iii. Learned trial Judge shall make efforts to decide the trial on or before 31st December, 2023.
- iv. With these observations, the Petition is disposed of.

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by
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PRAKASHRAO
DESHMANE
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(SARANG V. KOTWAL, J.)

Deshmane (PS)