

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

CRIMINAL WRIT PETITION NO.1941 OF 2018

Surekha Ganesh Mestry

.... Petitioner

versus

Ganesh Madhukar Mestry & Anr.

.... Respondents

.....

- Mr. P. N. Kulkarni, Advocate for Petitioner.
- Mr. Anant B. Shinde i/b. Anant B. Shinde and Co., Advocate for Respondent No.1.
- Ms. M. R. Tidke, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 31st JULY, 2023

P.C. :

1. Learned counsel for the Petitioner on instructions submits that he is not pressing this Writ Petition. His request is that learned Magistrate be directed to conclude the proceedings pending before him within a period of six months. His next important request is that the directions be issued to the Magistrate that he should decide proceedings before him without being influenced by the observations made by the

learned Additional Sessions Judge, Greater Bombay, in the order dated 22/09/2017 in the Criminal Appeal No.215 of 2017.

2. Since the matter is pending before the Magistrate, the request made by learned counsel for the Petitioner is reasonable. The Magistrate shall decide the proceeding before him independent of the observations made by the learned Additional Sessions Judge, Greater Bombay. He is required to decide the matter on the basis of the evidence led before him. The contentions raised by both the parties are left open.

3. Hence, the following order :

ORDER

- (i) The Petition is allowed to be withdrawn.
- (ii) Learned Additional Chief Metropolitan Magistrate, 9th Court, Bandra, Mumbai, is directed to conclude the proceedings before him i.e. C.C.No.25/DV/2013 within a period of six months from today.

- (iii) Both the parties shall appear before the learned Magistrate on 10/08/2023.
- (iv) Learned Magistrate shall give earlier date for proceeding further.
- (v) Learned Magistrate shall decide the proceeding in accordance with law without being influenced by the observations made by the learned Additional Sessions Judge, Greater Bombay, in Criminal Appeal No.215 of 2017.
- (vi) All the contentions of both the sides are specifically left open.
- (vii) With these observations, the Petition is allowed to be withdrawn and is disposed of as such.

(SARANG V. KOTWAL, J.)