

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

CRIMINAL WRIT PETITION NO.2672 OF 2023

Deependra Narendra Singh ...Petitioner
Versus
The State of Maharashtra & Anr ...Respondents

Mr. Prathamesh Naik a/w Neeraj Yadav, Deepa Punjani, i/b R.
Sathyanarayanan Iyer, Advocate, for Petitioner.
Mr. A.R. Patil, APP, for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 10th AUGUST 2023

PC :

1. This Writ Petition is preferred with a prayer to direct the Metropolitan Magistrate 53rd Court, Mulund to decide the Criminal Case bearing No.141/PW/2009 expeditiously.

2. Learned Counsel for the Petitioner submitted that the Petitioner is the Accused No.1 in that case. It arises out of the incident dated 25th April 2008. The Accused and others are facing the trial for commission of offences punishable under Sections 141, 341, 380, 427, 441, 448 and 451 of Indian Penal Code, 1860. He submitted that the examination of PW-1 has started on

22nd October 2018 and till today even the examination-in-chief is not completed. The Accused Nos.4 and 8 are remaining absent continuously. That is also hampering the smooth and expeditious progress of the trial. Learned APP agrees with this statement.

3. From the submissions made by both the learned Counsel it is quite clear that the trial is needlessly kept pending for one reason or the other. If the Accused Nos.4 and 8 are remaining absent, the trial Court is sufficiently empowered to separate their case and take action against them in accordance with law. But as far as the remaining Accused are concerned, they deserve expeditious decision of their trial.

4. Hence, the following order:

ORDER

- i) The Criminal Case bearing No.141/PW/2009 pending on the file of Metropolitan Magistrate 53rd Court, Mulund is expedited and the learned trial Judge is requested to conclude the trial as far as possible within a period of nine months from

today.

ii) In case, any Accused remains absent continuously, their trial shall be separated and procedure be adopted in accordance with law to secure their presence in a separate trial.

iii) With these observations, the Writ Petition is disposed of.

(SARANG V. KOTWAL, J.)