

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

CRIMINAL WRIT PETITION NO. 2792 OF 2023

Sachin Sudhakar Amdekar & Ors.

..Petitioners

Versus

P. V. Sawant & Anr.

..Respondents

Mr. V. P. Sawant, Sr. Advocate a/w. Raju Yamgar a/w. Prabhakar Jadhav a/w. Bharti Lokhande i/b. Raju Yamgar for Petitioners.

Mr. A.J.Uniyal for Respondent No.1.

Ms. M. R. Tidke, APP for State/Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 10 AUGUST 2023

PC :

1. Mr. A. J. Uniyal, learned counsel appears and states that he will file his Vakilpatra for the Respondent No.1 within a period of two weeks from today.

2. Heard Shri. V.P. Sawant, learned senior counsel for the Petitioners, Shri. Uniyal, learned counsel for the Respondent No.1 and Smt. Tidke, learned APP for the State/Respondent No.2.

3. The petitioners are facing the prosecution before the

Metropolitan Magistrate, 16th Court. Ballard Estate, Mumbai, vide C.C.No.14885/SS/2018. The complaint was filed for violation of the provisions of the Maharashtra Private Security Guards (Regulation of Employment and Welfare) Scheme (Amended) 2005 r/w. The Maharashtra Private Security Guards (Regulation of Employment Welfare) Act, 1981.

4. Learned Metropolitan Magistrate issued process vide order dated 04.12.2018 against the petitioners. That order is challenged by the petitioners before the Additional Sessions Judge, Greater Mumbai by preferring a Criminal revision application. However, there was delay in filing the criminal revision application. Therefore, the petitioners filed a separate application for condonation of delay and another application for stay on the proceedings.

5. Learned Senior counsel for the petitioners submitted that, these applications are not decided till today and on the last occasion i.e. on 08/06/2023, learned Additional Sessions Judge has recorded in the *roznama* that, in view of the pendency of 84

Under Trial Prisoners' matters before that Court, the Criminal Miscellaneous Application of the petitioners was adjourned to 01/09/2023. Learned Senior counsel submitted that the next date in the Trial Court is 22/08/2023 and the Trial Court is insisting on proceeding with the trial. Therefore, as of today, the petitioners are left with no remedy, though, their Criminal revision application along with interim applications is still pending.

6. Learned counsel for the original complainant/Respondent No.1 herein submitted that the petitioners were not diligent enough in approaching the Court of Sessions and, therefore, they cannot claim preponement of the proceedings before the Sessions Court.

7. I have considered these submissions. The prayer in this petition is for expediting the hearing of the criminal revision application along with the interim applications and for preponement of the next date of hearing.

8. Since the next date is 01/09/2023, I am not inclined to direct preponement of that date. However, till that date, the

petitioners can be protected to a certain extent so that the Trial does not proceed before the Trial Court before 01/09/2023. From the nature of the complaint and also from the nature of the impugned order passed by learned Magistrate, it does not appear to be a matter which would take a long time for consideration. Therefore, it can be decided within a short time.

9. Hence, the following order:

ORDER

- i) Learned Additional Sessions Judge, Greater Mumbai is directed to decide Criminal M.A.No.1328 of 2022 and Criminal M.A.No.1329 of 2022 preferred along with the Criminal Revision Application by the Petitioners, as far as possible, on 01/09/2023 itself.
- ii) In case it is not possible to decide these applications on that date, the learned Additional Sessions Judge, Greater Mumbai shall consider granting ad-interim protection to the petitioners on that date.
- iii) Till 01/09/2023, the learned Metropolitan

Magistrate, 16th Court, Ballard Estate, Mumbai,
shall not proceed with the Trial.

iv) The petition is disposed of.

(SARANG V. KOTWAL, J.)