

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

CRIMINAL APPLICATION NO. 979 OF 2023

Amar Ranu	...	Applicant
Versus		
State of Maharashtra & Anr.	...	Respondents

Mr Nitesh S. Nevshe for the Applicant.
Mr H. J. Dedhia, APP for the Respondent No.1-State.
Mr Pritam P. Runwal a/w Anil B. Khopde for Respondent No.2.

CORAM: R. N. LADDHA, J.

DATE : 8 SEPTEMBER 2023

P.C. :-

. Heard Mr Nitesh Nevshe, learned counsel for the applicant, Mr H. J. Dedhia learned APP for respondent State, and Mr Pritam Runwal, the learned counsel for the second respondent.

2. The challenge in this application is to an order dated 26 June 2023 passed by the learned Metropolitan Magistrate, 10th Court, Andheri, Mumbai, in C.C. No. 12/SW/2006, which reads thus:

“Perused application and say filed on it by other side. Heard Ld. Advocate for Complainant and Accused in person. There is no stay order obtained by accused till today and matter is directed to dispose within 6 months by Hon’ble High Court. Hence this application is rejected.”

3. According to the applicant, since the Supreme Court seized the matter vide SLP No. 13090 of 2023 (provisional), the judicial propriety demands that the learned Magistrate not proceed with the trial.

4. The record shows that in Criminal Writ Petition No. 1139 of 2015, this Court (Coram: Prakash D. Naik, J.) vide order dated 18 July 2022, rejected the prayer of the petitioner to quash the proceedings and directed the learned Magistrate to make an endeavour to conclude the trial within six months. The subject matter of the present application is the order passed by the learned trial Court in the same trial referring to such trial.

5. Learned counsel for the applicant conceded that the Supreme Court had not granted a stay to the proceedings, and still, the SLP is on a provisional number. This Court, while dealing with the issue of territorial jurisdiction in Writ Petition No. 1139 of 2015, has observed as follows :

“10. On perusal of the complaint it can be seen that, the averments in the complaint makes out prima facie case for issuance of process against the accused for offence under Section 500 of IPC. The learned Magistrate had issued process for the aforesaid offence. The order issuing process need not be elaborate or in detail. The order reflects application of mind. There is no substance in the submissions that the Order issuing process lacked territorial jurisdiction or it was mandatory to conduct inquiry under Section 202(1) of Cr.P.C.”

6. For the foregoing reasons, this Court do not find the merit in the present application. The application stands dismissed accordingly.

R. N. LADDHA, J.

BIPIN DHARMENDER PRITHIANI
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