

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

CRIMINAL APPLICATION NO.1450 OF 2023

Raj Arvind Patel

.... Applicant

versus

The State of Maharashtra & Anr.

.... Respondents

.....

- Mr. Imtiyaz Patel a/w Abdul Latif Shaikh, Advocate for Applicant.
- Ms. Sangita D. Shinde, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 22nd DECEMBER, 2023

P.C. :

1. The Applicant has preferred this application for directions to the Metropolitan Magistrate, 26th Court, Borivali, Mumbai, to conclude the trial bearing C.C. No.2969/PW/2021 within a period of six months.

2. Heard Mr. Imtiyaz Patel, learned counsel for the Applicant and Ms. Sangita D. Shinde, learned APP for the State.

3. The Applicant is facing the trial which arises out of the investigation in C.R.No.1020/2021 dated 12/09/2021 registered at Borivali Police Station u/s 354, 354-A(1)(2) of the Indian Penal Code. The incident was dated 03/09/2021.

4. Learned counsel for the Applicant submitted that at the time of alleged incident, the Applicant was a student. He has now completed his degree education. He has got admission in an university in the USA. He is also granted scholarship. However, because of this pending prosecution he was unable to join the course last year. The Applicant's admission is still continuing, but only because of the pending prosecution, he is unable to pursue further studies, even after securing admission and scholarship in a foreign university. He submitted that the first informant had given no objection at the time of consideration of the Bail Application of the present Applicant before the Magistrate's Court. He therefore submitted that, in the interest of justice, it is necessary that the trial is expedited. He submitted that though learned Magistrate is burdened with

the other pending cases, the Applicant's career and future are at stake. The main evidence would be that of the victim herself and that the trial will get over soon after it starts.

5. I find substance in the submissions of learned counsel for the Applicant and therefore on humanitarian grounds, his future can be taken into consideration. Hence the trial can be made time bound.

6. Hence, the following order :

ORDER

- (i) The learned Metropolitan Magistrate, 26th Court, Borivali, Mumbai, is directed to conclude the trial bearing C.C. No.2969/PW/2021, within a period of six months from today.
- (ii) The application is disposed of.

(SARANG V. KOTWAL, J.)