

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1374 OF 2024

Mr. Santaram Babaji Naik

.....Petitioner

Vs.

The State of Maharashtra

.....Respondent

Mr. Pramod Pandey for the Petitioner.

Mr. V. N. Sagare, A.P.P. for the Respondent-State.

CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.
DATE : 3rd JULY 2024

P.C.:-

1) Petitioner is an Accused in C.C. No. 240/PW/2006 pending on the file of learned Metropolitan Magistrate, 47th Court at Esplanade, Mumbai, arising out of C. R. No. 288 of 2006 dated 18th October 2006 registered with Kurar Police Station, Mumbai for the offence punishable under Sections 406, 420 & 120(B) read with 34 of the Indian Penal Code, 1860 and subsequently transferred for investigation to the Economic Offences Wing, Unit-VII, C.B., C.I.D., Mumbai and re-numbered as C. R. No. 108 of 2006.

1.1) Record clearly indicates that, the trial of aforementioned case is pending for last more than 17 years on the file of learned Metropolitan Magistrate, 47th Court at Esplanade, Mumbai.

2) Learned counsel for the Petitioner on instructions submitted

that, the Petitioner is suffering from thyroid gland cancer. The necessary documents indicating the same have been annexed to the Petition. He therefore submitted that, in the interest of justice, the trial of said case may be expedited.

3) In view of the fact that the trial of Petitioner is pending on the file of learned Metropolitan Magistrate, 47th Court at Esplanade, Mumbai for last more than 17 years, we direct the learned Magistrate to expedite the hearing of said case and conclude the same within a period of six months from the date of receipt of present Order.

3.1) We request the learned Magistrate not to seek any extension for concluding the trial. In case any of the parties thereto are not cooperating in conducting the trial expeditiously, the learned Magistrate is at liberty to adopt appropriate provisions of the Criminal Procedure Code, 1973, for concluding the trial.

4) Petition is disposed off in the aforesaid terms.

5) We make it clear that, we have not dealt with the merits involved in the Petition and it is disposed off in view of the submissions made by the learned Advocate for the Petitioner and the inordinate delay caused in concluding the trial of Petitioner. The learned Magistrate to decide the said case on its own merits and as per the law.

(DR. NEELA GOKHALE, J.)

(A. S. GADKARI, J.)