

SIN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3996 OF 2024

Sumaiya Naushad Ali Sayyed ... Petitioner
Versus
State of Maharashtra and Anr. ... Respondents

Mr. Ashish A. Dubey, Advocate for the Petitioner.
Ms. Poonam P. Bhosale, APP for Respondent-sState.
Mr. B. Pawar, PSI, Kurar Police Station present.

CORAM : R. M. JOSHI, J.
DATED : 18th SEPTEMBER, 2024.

P.C. :

1. This petition does not challenge any order but seeks direction to the Trial Court to decide application filed on 7th August 2024. Record indicates that learned Trial Court on 7th August 2024 had adjourned hearing of Case No.PW/1927/2016 to 19th September 2024. Even without any reason or giving opportunity to the Court to deal with the said application, present petition is filed seeking stay of proceedings and transfer to another Judge.

2. Learned counsel for the petitioner was heard for some time. He was unable to indicate any *bona fides* of petitioner in filing the petition. This Court when had shown disinclination to grant relief, learned counsel for the petitioner seeks withdrawal of the petition.

3. Though there is no reason for refusing the request for withdrawal of the petition, it is necessary to record that there is no order

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passed by the Trial Court which could have been challenged by filing petition and also certain facts appearing from record. The documents filed along with petition indicate that exemption was sought by petitioner from appearance before Trial Court for the reason of strained eyes. This application is granted by Trial Court on 7th August 2024. On the same day, two more applications were filed on behalf of petitioner. There is no dispute about the fact that on 7th August 2024, proceeding before the Trial Court was adjourned to 19th September 2024. It is even before the said date, present petition is filed. In considered view of this Court, filing of this petition is aimed at delaying the proceeding before Trial Court and, hence, it amounts to abuse of process of Court.

4. The petition, therefore, is allowed to be withdrawn but by imposing cost. Since petitioner is a lady, cost is quantified at Rs.5000/- to be paid to Mahila Vikas Mandal, Colaba in Account No.03820100002611, Bank of Baroda, Backbay Reclamation Branch, Mumbai-20, IFCS Code-BARB0BACKBA within a period of two weeks.

5. Petition is disposed of in above terms.

(R. M. JOSHI, J.)