



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

48 CRIMINAL WRIT PETITION NO. 1355 OF 2023

TERENCE D CRUZ
VERSUS
ATUL AABASAHEB GIRAMKAR

...
Advocate for the Petitioner : Mr. Sachin Subhash Panale
Advocate for Respondent : Mr. M.V. Narwade and Mr. Vinayak P.
Narwade
...

CORAM : KISHORE C. SANT, J.

DATE : 17.07.2025.

PER COURT :

1. Heard the learned Advocates for the parties for some time.
2. The petitioner is challenging an order of issuance of process dated 02.01.2016, passed in RCC No. 118 of 2015, pending before the Chief Judicial Magistrate, Shrigonda, District Ahmednagar. The main thrust of the petitioner is that since 18.06.2016 the complaint was only posted for evidence before charge, still even no steps are taken by the respondent/ Complainant. There are total 61 dates given so far, for recording evidence before the charge. The Complainant,

however, deliberately avoided to take steps. He submits that the petitioner is resident of Kerala and presently residing at Pune and the complaint is filed only to harass him and there is no relationship as such between them. He is falsely implicated and false allegations are levelled against him under Sections 406, 417418 and 420 of the Indian Penal Code.

3. Be that as it may, this Court is not inclined to interfere with the impugned order as the petition is filed in the year 2023, that too without availing the remedy of filing Revision Application before the Sessions Court. This Court however, observes that no steps have been taken for last 61 dates and there is no progress in the trial. Certainly this calls for a direction to the trial Court. With the above reasons following order :

ORDER

(i) The Writ Petition stands disposed off with directions to the concerned J.M.F.C. to dispose off the case RCC No.118 of 2015, as far as possible within three months and in any case before 31.12.2025.

(ii) The respondent/Complainant shall not seek any unnecessary adjournment. If

adjournments are found to be unnecessary, the Court shall impose heavy costs.

(iii) The petitioner/Accused also shall attend the Court as and when required.

(iv) If Petitioner/Accused requests the Court to attend proceeding through Video Conferencing (V.C.) such request would be considered by the trial Court.

(v) With this the Criminal Writ Petition stands disposed off.

(KISHORE C. SANT)
JUDGE

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