

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

Criminal Application No. 302 of 2025

Mr. Prashant Mehta ... Applicant
V/s.
The State of Maharashtra ... Respondent

Mr. Hemant Ingle a/w. Monish Bhatia a/w. Minal a/w. Khushboo Goklani i/b. MRB Legal	Advocate for the Applicant.
Mr. N.B. Patil	APP for the State.

CORAM : S.M. MODAK, J

DATE : 31st July 2025.

P.C. :

Heard learned Advocate for the Applicant/Complainant and also learned APP.

2. There is a criminal complaint filed before the Court of JMFC, Girgaon for the offences under Section 356(1), 357, 358, 359 r/w. Section 36 and 61 of Bhartiya Nyayik Suraksha Sanhita, 2023 (for short 'BNSS, 2023'). On his complaint the Court has issued a notice to proposed accused supposed to be under the provisions of Section 223 of BNSS, 2023. It was made returnable on 18th July 2025.

3. There are two proposed accused. They are described as representatives of HDFC Bank. On 18th July 2025 the Applicant has

filed an application under the provisions of Section 96(1)(c) of BNSS, 2023 for issuing the search warrant. This application was moved by Advocate for the Complainant and the Court has kept the matter for an order on that application on 28th July 2025.

4. When this application was pending, HDFC Bank filed one Misc. Application under Section 223 thereby requesting the trial Court to hear them and sought liberty to file reply on an application filed under Section 96(1)(c) of BNSS, 2023. The trial Court had heard both the applications. The trial Court has posted the matter on 11th August 2025 for passing order on exhibit-4 and exhibit-6.

5. On this background, this application is filed seeking direction for expediting and concluding hearing and trial of their case including exhibit-5 and any applications within the period of 60 days.

5. Learned Advocate for the Applicant tried his level best to convince me that such direction can be given at this stage. He submitted that one of the witness in the case is a senior citizen and he has suffered a bye-pass surgery. The Applicant's concern is that complaint filed by him be decided as early as possible. It is further submitted that in fact there is no provision in BNSS, 2023 to hear the proposed accused on any application filed by the Complainant including an application under Section 96 of BNSS, 2023. He apprehends that proposed accused will make every attempt to delay

passing of an order of summoning them.

6. The proposed accused are not joined as a party-respondent. Yet the order of issue of process is not passed. One does not know whether it will be passed or will not be passed. At this stage, it will be difficult for the Court to fix any time limit for entire disposal of the case but today when the trial Court Judge has heard Exhibits 4 and 6 and posted it for orders on 11th August 2025, this Court can certainly direct the trial Court to decide those applications as early as possible and preferably on 11th August 2025. Every Judge is having a discretion to decide the matter and also having discretion when to decide the pending applications. When I say so, it does not mean that he can decide it as per the his own convenience. Once he has posted for orders, certainly this Court expects him to decide them as early as possible and preferably on 11th August 2025. As proposed accused are not party, I have those this much observation.

7. Criminal Application stands disposed of.

(S.M. MODAK, J.)