

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

CRIMINAL WRIT PETITION NO.2007 OF 2025

Theresa Fernandes	...Petitioner
Versus	
Niraj Gunwant Kakad & Ors.	...Respondents

Mr. Diwakar Dwivedi (through Video Conference), for the Petitioner.
Mr. S. H. Yadav, APP, for the Respondent No.4-State.

CORAM : MADHAV J. JAMDAR, J.

DATED : 9th JUNE 2025

P.C. :

1. Heard Mr. Dwivedi, learned Counsel appearing for the Petitioner and Mr. Yadav, learned APP appearing for the Respondent No.4-State.

2. The only relief sought in the Writ Petition is as follows:

“(a) The Hon’ble Court be pleased to direct Ld. Magistrate 58th Court at Bandra to complete the trial as early as possible, by conducting the trial on day today basis, without adjourning the matter on frivolous grounds and dispose of the Petition in any event within one month from the Order of this Hon’ble Court, as the Petitioner is 88 years old and Super Senior Citizen.”

3. Thus, the relief sought by the Petitioner is that the learned Metropolitan Magistrate, 58th Court, Bandra, Mumbai be directed to conduct the trial and dispose off the case in time

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bound manner, as the Petitioner is aged 88 years.

4. Perusal of the record shows that the Petitioner has filed complaint before the learned Metropolitan Magistrate, 58th Court, Bandra, Mumbai under Section 138 of the Negotiable Instrument Act, 1881 in the year 2017 bearing C.C. No.454/SS/2017 for dishonour of cheque of Rs.35,00,000/-.

5. It is the submission of the learned Counsel appearing for the Petitioner that the Respondents i.e. the Accused are delaying the trial. However, this Court need not go into the said allegation.

6. As the Petitioner is aged 88 years and the complaint was filed in the year 2017 and in the facts and circumstances of this case, learned Metropolitan Magistrate, 58th Court, Bandra, Mumbai is requested to dispose of the said C.C. No.454/SS/2017 in an expeditious manner by taking into consideration the fact that the Petitioner i.e. the Complainant is aged 88 years.

7. Accordingly, the Writ Petition is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]