

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

CRIMINAL WRIT PETITION NO.4008 OF 2025

**SATISH
RAMCHANDRA
SANGAR**

Manoj Dattatray Mestry

...Petitioner

V/s.

The State of Maharashtra and Ors.

...Respondents

Digitally signed by
SATISH RAMCHANDRA
SANGAR
Date: 2025.08.01
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Ms.Bhagyashri Ranade:-	Advocate for Petitioner.
Mr.N.B.Patil:-	APP for Respondent No.1 -State.

CORAM : S. M. MODAK, J.

DATE : 29th JULY 2025

P. C. :-

1. Heard learned Advocate for the Complainant / Petitioner and learned APP.
2. Considering the fact that there is only a limited prayer for expediting the hearing of 2 cases, I have not issued notice to the Respondent Nos.2 and 3 who were Accused persons. The 2 cases filed by the Complainant are C.C.No.1054 of 2018 and C.C.No.1055 of 2018 pending before the Court of Judicial Magistrate First Class—Kurla. These cases are pending for a period more than 7 years. The relevant roznamas are annexed. My attention is invited to the roznama

dated 13th March 2023. It mentions “*the statement of the Accused under Section 313 of Cr.P.C. is recorded*”. The matter was adjourned for defense evidence. Thereafter the matters are adjourned from time to time and the last roznama is dated 2nd July 2025. The Presiding Officer was on leave. It also records the order passed by the Chief Judicial Magistrate dated 23rd May 2025 is not found. **It seems that after the statement is recorded, there is no much progress for the period of almost 2 years. The roznama for that period also does not show that the defense witness is examined.**

3. There is one Application below Exhibit-75 filed by the Complainant. It is recorded in the roznama dated 26th May 2023. According to the submission, it is an Application for marking a document as exhibit which was not done earlier. Earlier the Court was vacant. The Petitioner is suffering from heart ailment. He was required to move the Chief Judicial Magistrate. Direction was issued on 3rd April 2024 to the In-charge Court to expedite the matter in accordance with law. **Even though it is expedited, there is no much progress.** That is why present Petition.

4. After hearing the submissions and perusing the roznama, it seems that the proceedings are pending at the stage of:-

- (a) Defense witness if any
- (b) Decision on Exhibit-75 and
- (c) final arguments.

5. Ultimately it is for the trial Court to decide both these matters as early as possible. This Court is not aware about the workload of that Court. Every Court is having power to regulate the conduct of the parties if they are indulging into dilatory tactics. The Court is not supposed to be a silent spectator. Court is not powerless. Court should not allow one of the parties to delay hearing of the proceedings. At that juncture, the role of a Judge presiding over the Court is crucial. That is how I am disposing of the Petition by giving following directions:-

-: DIRECTIONS :-

- (i) Trial Court to ascertain whether the Accused really wants to examine defense witness. If yes, fix the time limit and even to close the evidence if the Court finds that the Accused is delaying it.
 - (ii) Trial Court to decide Exhibit-75 at the earliest.
 - (iii) Trial Court to hear the final arguments and
 - (iv) Trial Court to dispose of the case as early as possible.
6. In view of the above terms, **the Petition stands disposed of.**

[S. M. MODAK, J.]