

4. On this background the Petitioner is desirous of traveling abroad. The details are given in Para No.6 of the application filed before the learned Magistrate (Page-12). It clearly denotes that he intends to travel Bangkok on 1st September 2025 (that date has already elapsed). Next scheduled date is 10th September 2025 and other dates. On this background, when the application was made before the learned Magistrate, instead of hearing the application the learned Magistrate has passed the following order:

“Put up on fixed date”.

5. According to the Petitioner now the case is fixed on 24th September 2025. If the application is heard on 24th September 2025, other two dates of scheduled visit will certainly expire. What is expected from the learned Magistrate is to hear the application earlier to 1st September 2025. However, that date has already elapsed. This petition is filed on this background.

6. Certainly, directions can be issued to learned Magistrate to hear the application on Monday i.e. 8th September 2025.

7. Considering the above facts it was expected from the learned Magistrate to hear him on top priority basis. This Court can certainly take a note of the fact that trial Courts are over-burdened. Even this Court is facing the same problem. But it does not mean that the urgency quoted is to be overlooked. So I am inclined to give directions to the trial Court. Hence, the order:

ORDER

- (i) Writ Petition is partly allowed.
- (ii) The Court of JMFC, Girgaon is directed to hear the parties on 8th September 2025 on the application to travel abroad.
- (iii) It is expected from the learned Magistrate to consider what is the nature of allegations and the offence is only under Section 341 read with Section 34 of IPC.
- (iv) The learned Judge is expected to consider that offence does not involve economic offence.

8. This Court has not expressed any opinion about the right of the Petitioner to travel abroad but the trial Court to decide considering the above observations.

9. The trial Court should make an endeavour to decide the application on 8th September 2025.

(S.M. MODAK, J.)