

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4954 OF 2025

Nizar Mawani ..Applicant

Versus

Hanif Ghulam Ali Somaji & Ors. ...Respondents

Mr. Makarand Kale a/w. Yogesh Sankpal a/w Karan
Chaudhary, for the Applicant.

Mr. A. D. Kamkhedkar, APP for the Respondent-State.

CORAM: N. J. JAMADAR, J.

DATE : 11th DECEMBER 2025

P.C.:

1. Heard the learned Counsel for the applicant.
2. The learned Counsel for the applicant submits that, a limited prayer in this petition is to direct the expeditious hearing of RCC No. 3415/2011 filed by the applicant. The learned Counsel for applicant submits that, the applicant is of advanced age and is suffering from Cancer.
3. The learned Counsel for the applicant invited the attention of the Court to the order dated 06th February, 2025 passed by the Court in Criminal Application No. 1506/2016 whereby this Court had quashed and set aside an order of issue of process dated 22nd October, 2012 and directed the learned Magistrate to

record the complainant's verification statement under Section 200 of the Code of Criminal Procedure, 1973 and, thereafter, proceed to make a decision on the complaint in accordance with law, expeditiously. The learned Counsel for the applicant submits that, despite the said order having been tendered before the Court, the roznama of the proceeding reveals that, the said complaint has been stayed by the High Court.

4. In view of the aforesaid submissions and having regard to the situation in life of the complainant, the prayer for expeditious hearing of RCC No. 3415/2011, in the light of the directions by this Court in the order dated 06th February, 2025 in Criminal Application 1506/2016, appears justifiable.

5. The learned Magistrate is, thus, requested to pass an appropriate order in accordance with law, on the aspect of issue of process within a period of two months from today.

6. It is clarified that, this Court has not entered into the merits of the matter and all points are kept open for consideration, and this order may not be construed as a direction to issue process or otherwise.

7. The application stands disposed.

[N. J. JAMADAR, J.]