

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

CRIMINAL WRIT PETITION NO.5208 OF 2025

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Sarina Esmeralda Lopez

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

...

Ms. Sarina Esmeralda Lopez, petitioner in-person.

Mr. S. V. Gavand, Additional Public Prosecutor for
Respondent Nos.1 and 3-State

Mr. Surya S. Das, Advocate for Respondent No.2

**CORAM : SHREE CHANDRASHEKHAR, CJ &
GAUTAM A. ANKHAD, J.**

DATE : 29th JANUARY 2026

P.C. :

On 9th January 2026, this Court passed the following order:-

“The petitioner seeks the following reliefs :-

“a. This Hon’ble Court may be pleased to call for and examine the proceedings pending before the 12th Metropolitan Magistrate’s Court Bandra (E) and after satisfying itself as to the legality and validity be pleased to issue under Article 226 of the Constitution r/w section 482 of the CrPC 1973 an appropriate order/direction or writ including a writ in the nature of Mandamus directing the Hon’ble 12th Metropolitan Magistrate’s Court to dispose the PW 757 of 2016 and the PS 1026 of 2016 within 3 months of the orders of this Hon’ble Court and report compliance of such orders.

b. That pending the disposal of the instant Petition the Respondent No. 2 may be restrained from coming in close proximity of this Petitioner victim.”

2. This writ petition was listed on 7th January 2026 and was adjourned for today to enable the learned Additional Government Pleader to collect information as to the total number of witnesses the prosecution seeks to examine.

3. Mr. Vinod Chate, the learned Additional Government Pleader apprises this Court that there are six prosecution witnesses who shall be examined in Case No. 1026/PS/2016 and nine witnesses whom the prosecution intends to examine in Case No.757/PW/2016.

4. *Ms. Sarina Esmeralda Lopez, the petitioner appearing in-person states that these cases are pending since 2016 without much progress in the trial.*

5. *We observe that there has been series of litigations in which the petitioner herself is involved. The respondent no. 2 is 69 years of age and he is residing at 502 Wahedna Apts, 75 Hill Road, Bandra (W), Mumbai 400 050.*

6. *We, therefore, direct the Officer In-Charge of Bandra (W) Police station to serve a copy of this order upon the respondent no.2 intimating him the date of hearing of this writ petition on 28th January 2026.*

7. *Post the matter on 28th January 2026 "High on Board".*

2. Ms. Sarina Esmeralda Lopez, the petitioner appearing in-person states that she is aware of the large number of pending cases before the jurisdictional Magistrate and, therefore, she would be satisfied if the Case Nos. PS/1026/2016 and PW/757/2016 are disposed of within a period of one year.

3. We have considered the submissions made at the Bar. We are also alive to the situation that any time-frame fixed by this Court for disposal of a particular case may cause inconvenience and delay the trial in other cases. However, having regard to the old age of the petitioner who is aged about 64 years and the respondent no.2 who is aged about 69 years, we think that the aforementioned cases may be dealt with on priority basis along with other cases of senior citizens and disposed of within a period of one year. We further indicate that in case of any difficulty, the Court concerned may approach the High Court through the Public Prosecutor seeking extension of time, if at all necessary.

4. Mr. S. V. Gavand, the learned Additional Public Prosecutor states that he would communicate this order to his counter-part in the Court concerned so that he takes necessary steps for examination of witnesses as mandated under section 309 of the Code of Criminal Procedure, 1973 and the trial is concluded within a

period of one year.

5. Writ Petition No.5208 of 2025 is disposed of in view of the aforesaid directions.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]