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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1685 OF 2024

IN

CRIMINAL APPLICATION NO. 66 OF 2021

Chandragupt Rambadan Chauhan Applicant

Vs.

The State Of Maharashtra & Anr.Respondents.

Mr. Prashant Badole, Advocate for the Applicant.

Mr. Vinod Chate, APP, for the Respondent-State.

CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.
DATE : 9th AUGUST, 2024.

P.C.:-

1) In pursuance of our order dated 9th July 2024, the Learned 6th Jt. Civil Judge Junior Division and Judicial Magistrate First Class(JMFC), Belapur, District Thane has forwarded her report dated 31st July 2024 to the Registrar(Judicial I) through proper channel.

2) We have minutely perused the report.

2.1) At the outset, it be noted here that, by Order dated 24th February 2021 our predecessors had directed the learned Judge of the

concerned Court to conclude the trial of RCC No. 511 of 2019 'as expeditiously as possible however within a period of 4 months from the receipt of the said order'.

2.2) In the report, the learned JMFC has stated that the said case came up before her for the first time on 30th January 2023 and at that time, the concerned clerk did not point out to her that the said case is made time bound by the High Court. One of the reason given by the learned Judicial Officer is that, she is dealing with huge pendency of 10 years plus cases both Criminal and Civil and therefore, she has to give attention to each and every matter on priority basis. That, there is insufficient staff to her court and it goes on frequent leave.

3) Perusal of the report clearly indicates that even though the present case was placed before the learned Judicial Officer for the first time on 30th January 2022, she did not adopt necessary steps for expeditious disposal of the said case by taking recourse of the provisions of Cr. P.C. for giving complete effect to the Order dated 24th February 2021 passed by this Court.

4) Numerous other excuses are also given in the said report for not completing the said trial within the stipulated period. Even if the complainant was not cooperating with the trial court, the trial court has powers to apply provisions of Code of Criminal Procedure, 1973 to take the said case to its logical end, as per the directions issued by this Court. The

offence alleged against Applicant is under section 498A read with section 34 of the Indian Penal Code and under section 3 and 4 of the Dowry Prohibition Act.(page-4). As per the report itself, there are in all 9 witnesses.

5) Despite the said fact, learned Judicial Officer has now sought an extension of 6 months to dispose of the said case.

6) We are unable to accept the feeble excuses given by the learned Judicial Officer in not complying with the directions issued vide Order dated 24th February 2021 and paying scant respect to it. It appears to us that the Judicial Officer concerned, is not serious in performing her judicial work. This requires attention by the learned Administrative Committee of this Court.

6.1) In view thereof, we direct the Registrar (Judicial-I) to place the Report dated 31st July 2024 before the Learned Administrative Committee for appropriate directions in that behalf.

7) List the Petition before this Court after the learned Administrative Committee takes appropriate steps/action on the said report.

(DR. NEELA GOKHALE, J.)

(A.S. GADKARI, J.)

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TALWALKAR

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