

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION NO.22 OF 2021

IN

CRIMINAL APPEAL NO.459 OF 2016

KAVITA CHANDRAKANT LAKHANI

Appellant (s)

VERSUS

THE STATE OF MAHARASHTRA & ANR.

Respondent(s)

O R D E R

On perusal of the orders passed from time to time by this Court including the last order dated 31.01.2020, it appears that the intent of the orders passed by the Court do not appear to have been taken into consideration while carrying on a prolonged trial. We had specifically noticed that we had found that the prosecution has not been producing witnesses and if that happens, the prosecution must take the consequences of that and there is no reason for the Court to be over-indulgent. Despite this last order, the report submitted by the Metropolitan Magistrate 18<sup>th</sup> Court, Girgaon, Mumbai states that the prosecution failed to produce the evidence on 24.02.2020 and the matter was again adjourned on 16.03.2020 to 03.04.2020 and thereafter the Court has not worked on account of pandemic and thus, 12 more months' time is sought for to conclude the trial.

The order dated 24.04.2018 shows that the matter has been pending since 2003 at the stage of framing of issues as on that date.

We are, thus, constrained to request the High Court to entrust the matter to some other Magistrate who would be able to conclude the trial in terms of directions passed by this Court and for the said purpose, we grant three more months time. The Magistrate to whom the matter will be entrusted should take into account the orders already passed by us which records the conduct of the prosecution in continuously seeking adjournments and the consequences which must flow therefrom.

The Miscellaneous Application stands disposed of.

The order be sent immediately to the Registrar of the Bombay High Court.

.....J.  
[SANJAY KISHAN KAUL]

.....J.  
[DINESH MAHESHWARI]

.....J.  
[HRISHIKESH ROY]

NEW DELHI;  
JANUARY 22, 2021.

ITEM NO.30 Court 9 (Video Conferencing) SECTION II-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Miscellaneous Application No. 22/2021 in Cr1.A. No. 459/2016

KAVITA CHANDRAKANT LAKHANI Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ANR. Respondent(s)

(FOR SEEKING DIRECTIONS/ORDERS ON LETTER RECEIVED FROM TRIAL COURT  
FOR EXTENSION OF TIME TO DISPOSE OF THE TRIAL BRANCH NOTING)

Date : 22-01-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE DINESH MAHESHWARI  
HON'BLE MR. JUSTICE HRISHIKESH ROY

By Courts Motion

For Petitioner(s) Mr. Vikas Mehta, AOR  
Mr. Rajat Sehgal, Adv.

For Respondent(s)  
Dr. Sushil Balwada, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Miscellaneous Application is disposed of in terms of  
the signed order.

(ANITA MALHOTRA)  
COURT MASTER

(ANITA RANI AHUJA)  
ASSISTANT REGISTRAR

(Signed order is placed on the file.)