

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

Criminal Writ Petition No. 1993 of 2008

Mr. Dhavalshree Surendra Saraiya
& Others. ..Petitioners.
Versus.
The Union of India
& Anr. ..Respondents.

Mr. Dinesh Tiwari for the petitioner.
Mr. K. S. Patil for the Intervenor.
Mr. A. S. Gadkari, APP for the State of Maharashtra.
Mrs. Usha Kejariwal for Union of India.

**CORAM: S. B. MHASE &
A. A. SAYED, JJ.**
DATE: November 18, 2008.

P.C.

1. The petitioners are working and staying in Dubai. They are Indian nationals working in Dubai. They are prosecuted by one Mrs. Meghna who is the wife of petitioner no.1 - Dhavalshree Surendra Saraiya. The prosecution is for the offences punishable under section 498-A, 406, 354, 234, 504, 506 read with 34 of IPC. The charge sheet has been filed. The case is pending before the 13th JMFC Court, Thane.

2. The petitioners have approached to this Court for getting the passports which have been seized by the police authorities and sent to the Passport Authorities. One thing is clear that once the petitioners go out of India, the continuation of the prosecution will become difficult. We desire to return the passport, however, only

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after completion of the prosecution at least before the JMFC.

3. Therefore, the 13th JMFC Court, Thane is hereby directed that he shall frame charge in the present matter on 20/11/2008 and we direct the petitioners - accused to remain present before the JMFC for framing of the charge. We further direct the JMFC to fix up the matter for hearing and recording of evidence on 8th December 2008 onwards on day-to-day basis.

4. The State Public Prosecutor is hereby directed to give witnesses list before the JMFC on or before 21/11/2008 and get the summons issued to the said witnesses returnable on 8/12/2008 onwards. The prosecutor who conducts the case and the JMFC before whom the case is to be conducted are directed to conduct the case de die in diem, i.e., day-to-day till the decision of the case, and on no ground the case should be adjourned.

5. The investigating Officer who is investigating the case shall remain present in the JMFC's Court from 8th December 2008 till the completion of the case so that his evidence can be recorded, if necessary, at the closure of the evidence. The judgment in the matter shall be pronounced and delivered by the said JMFC within two days after the closure of the evidence.

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6. S.O. 5th January 2009.

7. Both petitioner as well as respondent undertake to this Court to withdraw Revision Petitions filed by them before the Sessions Judge at Thane bearing Revision Application Nos. 109/2008, 110 of 2008 and 207 of 2008.

(A.A.SAYED, J.)

(S.B.MHASE, J.)