

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO. 37 OF 2015

MRS. FILOMENA JOSEPH ANDRADE. ... Petitioner

Versus

THE STATE OF GOA, THROUGH POLICE
INSPECTOR, PANAJI AND ANR., ... Respondents

Shri Sanman R. Keny, Advocate for the Petitioner.

Shri Mahesh Amonkar, Additional Public Prosecutor for the
Respondent No. 1.

Shri Ashwin D. Bhobe, Advocate for the Respondent No. 2.

CRIMINAL REVISION APPLICATION NO. 43 OF 2015

STATE, THROUGH P.I, PANAJI POLICE
STATION. ... Petitioner

Versus

GHANASHYAM ARLEKAR. ... Respondent

Shri Mahesh Amonkar, Additional Public Prosecutor for the
Petitioner.

Shri Ashwin D. Bhobe, Advocate for the Respondent.

CORAM:- C. V. BHADANG, J.

DATE : 24th JUNE, 2015

ORAL ORDER:

Heard the learned Counsel for the parties.

2. Both these Criminal Revision Applications, assail the order dated 11.12.2014 passed by the learned Sessions Judge in Sessions Case No. 69/2013. By the impugned order, the learned Sessions Judge has discharged the respondent of the offences punishable under Section 307 of I.P.C. and alternatively, under Section 279/337 of I.P.C. Criminal Revision Application No. 37/2015 is by the original complainant while, Criminal Revision Application No. 43/2015 is by the State. As the Revision Applications involve common question, they are being disposed of by this common order.

3. The brief facts are that the complainant in this case had lodged a complaint on 30.10.2008 claiming that she was involved in a vehicular accident which was said to be a hit and run case. That complaint was lodged against an unidentified person.

It appears that on the basis of the said complaint, a case of hit and run was registered against an unidentified person by the concerned Police Station.

Subsequently, it was claimed that it was the respondent, Shri Ganesh Arlekar, who had intentionally dashed the motor cycle against the complainant with an intention to cause her death. It appears that on the basis of directions by the learned Magistrate, further investigation was carried out and a charge sheet was filed against the respondent under Section 307 of I.P.C. and alternatively, under Section 279/337 of I.P.C.

4. The matter was eventually committed to the Court of Sessions and was registered as Sessions Case No. 69/2013. The learned Sessions Judge on hearing the parties and on perusal of record, found that there was no material to frame charge under Section 307 of I.P.C. and for that matter under Section 279/337 of I.P.C.

5. I have perused the impugned order. It appears that initially, a complaint was lodged against an unidentified person

and it was said to be a hit and run case. Sometime in the year 2012, on the basis of the directions of the learned Magistrate, further investigation was carried out, which led to the filling of the charge sheet under Section 307 of I.P.C. The learned Sessions Judge has rightly found that there is no link established between the respondent with the said accident. It has been rightly found that subsequent identification after two years is of no assistance to the prosecution. Hence, I do not find any infirmity in the impugned order.

6. In the result, no interference is called for in the impugned order. The Revision Applications stand dismissed.

C. V. BHADANG, J.

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