

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 73 OF 2015

AMIT KASHINATH CHODANKAR.

... Petitioner

Versus

STATE OF GOA, THROUGH VALPOI
POLICE STATION.

... Respondent

Mr. Tari Ulhas Kamlakant, Advocate for the petitioner.
Mr. S.R. Rivonkar, Public Prosecutor for the respondent-State.

Coram:- F. M. REIS &
K. L. WADANE, JJ.

Date:- 11th August, 2015

P.C.:

1. After hearing the matter for some time, Mr. Tari, learned Counsel appearing for the petitioner, has pointed out that he has not filed any application before the learned Magistrate to get the petitioner discharged, as according to him, the learned Magistrate mentioned that such aspects would be examined only after all the accused are served in the proceedings. The learned Counsel further points out that, as there are 23 accused, who are also residing outside the jurisdiction of the Court, there would be gross delay in effecting service on all the accused. In such circumstances, it is pointed out by the learned Counsel, appearing for the petitioner, that the learned Magistrate may be directed to examine any application filed by the petitioner for discharge in the criminal proceedings, irrespective of whether all the accused are served or not. The learned Counsel, as

such points out that, if such directions are issued to the learned Magistrate, the petitioner would withdraw the above writ petition.

2. Mr. Rivonkar, the learned Public Prosecutor, appearing for the respondent-State submits that he has no objection, in case a direction is issued to the learned Magistrate to that effect irrespective of whether all the accused are served in the proceedings or not.

3. Considering the said contentions, we find it appropriate to allow the petitioner to withdraw the above writ petition with liberty to the petitioner to file an application before the learned Magistrate for his discharge in the criminal proceedings in accordance with law. In case, such application is filed, the learned Magistrate shall examine the application, on its own merits, independently irrespective of whether all the accused are served or not.

With the above directions, the petition stands dismissed as withdrawn.

K. L. WADANE, J.

F. M. REIS, J.

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