

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 194 OF 2015

IN

CRIMINAL WRIT PETITION NO. 29 OF 2014

SHRI. AVELINO J. PINTO.

... Applicant

Versus

STATE OF GOA, PUBLIC
PROSECUTOR, PANAJI.

... Respondent

Mr. T. G. John, Advocate for the applicant.

Ms. M. Pinto, Additional Public Prosecutor for the respondent.

Coram:- C. V. BHADANG, J.

Date:- 26th November, 2015

P.C.

This Criminal Miscellaneous Application is filed challenging the order dated 26/09/2014, passed by the learned Children's Court in Sessions Case No.2/2004, by which, the application under Section 319 of Cr.P.C., filed by the applicant accused, has been dismissed.

2. It appears that this Criminal Miscellaneous Application is filed in a disposed of writ petition, being Criminal Writ Petition No.29/2014, in which, while disposing of the petition, this Court had directed the Children's Court to decide the application under Section 319 of Cr.P.C. In such circumstances, Criminal Miscellaneous Application challenging the order passed subsequently, cannot be entertained in a disposed of writ petition.

3. Faced with this difficulty, the learned Counsel on instructions from the applicant, seeks permission to withdraw the Criminal Miscellaneous Application, with liberty to challenge the impugned order by filing appropriate proceedings.

4. The learned Additional Public Prosecutor submits that appropriate orders be passed in this regard.

5. In such circumstances, this application is hereby disposed of as withdrawn, with liberty as prayed. All the rival contentions of the parties, including the issue of limitation, if any, is expressly kept open.

C. V. BHADANG, J.

SMA