

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 128 OF 2013

Shri Jitendra Deshprabhu,
resident of Rauraje Palace,
Naner Wada, Pernem Goa.
Major in age.

... Petitioner

V e r s u s

1. Shri Pradip Kakodkar,
resident of Curchorem Goa.
2. Shri Kashinath Jairam Shetye,
resident of Babino Building,
Alto Fondvem, Ribandar Goa.
3. Dr. Ketan S. Govekar,
resident of Wadji Building,
St. Inez, Panaji Goa.
4. The Police Inspector,
Anti-Corruption Bureau (ACB),
Department of Vigilance,
Altinho, Panaji Goa.
5. The Police Inspector,
Crime Branch (CID),
Dona Paula Goa.
6. The Police Inspector,
Panaji Police Station,
Panaji Goa.
7. The Police Inspector,
Pernem Police Station,
Pernem Goa.
8. The Superintendent of Police,
Anti Corruption Bureau (ACB),
Department of Vigilance,
Altinho, Panaji Goa.

:2:

9. The Superintendent of Police,
Crime Branch (CID),
Dona Paula Goa.

10. The Superintendent of Police,
North, Porvorim Goa.

... Respondents

Mr. D. Pangam, Advocate for the petitioner.

Mr. R. Menezes, Advocate for the respondent nos. 1, 2 and 3.

Mr. S. R. Rivankar, Public Prosecutor for the respondent nos. 4 to 10.

**Coram:- F. M. REIS &
C. V. BHADANG, JJ.**

Date:- 1st December, 2015

ORAL JUDGMENT (Per F. M. Reis, J)

Heard Mr. D. Pangam, learned counsel appearing for the petitioner, Mr. R. Menezes, learned counsel appearing for the respondent nos. 1 to 3 and Mr. S. R. Rivankar, learned counsel appearing for the respondent nos. 4 to 10.

2. A short point which comes for consideration in the above writ petition without going into the merits of the rival contentions is whether the impugned judgment passed by the learned Sessions Judge, Panaji, dated 27.06.2013 dismissing the revision preferred by the petitioner on the ground that such revision petition was not maintainable is sustainable in law.

3. Mr. Pangam, learned counsel appearing for the petitioner during the course of the hearing of the above writ petition has brought to our notice a judgment of the Division Bench of this Court dated 21.10.2015 passed in **Criminal Writ Petition No. 159 of 2014** in the case of **Avinash Trimbakrao Dhondage V/s The State of Maharashtra and anr.,** wherein the Division Bench has taken a view that a revision would lie challenging an order passed under Section 156(3) of the Criminal Procedure Code. Taking note of the observations of the Division Bench and for the reasons recorded therein, we find that the impugned judgment dated 27.06.2013 passed by the learned Sessions Judge cannot be sustained and deserves to be quashed and set aside.

4. In view of the above, we pass the following :

O R D E R

(i) The impugned judgment dated 27.06.2013 passed by the learned Sessions Judge is quashed and set aside.

(ii) The learned Sessions Judge shall proceed to decide the revision preferred by the petitioner on its own merits after hearing the parties in accordance with law.

:4:

(iii) All contentions of the parties on merits are left open.

(iv) The parties are directed to appear before the learned Sessions Judge on 06.01.2016 at 2.30 p.m.

(v) Rule is made absolute in above terms.

(vi) The petition stands disposed of accordingly.

C. V. BHADANG, J.

F. M. REIS, J.

at*