

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 122 OF 2015

Smt. Dilshad Abdul Kadar Shaikh
Aged 56 years,
Indian Inhabitant, residing
at room no. 20/20/A, Datyabhai amarshi
Chawl, Bandra West,
Mumbai 400 050.

... Petitioner

V e r s u s

State of Goa,
Calangute Police Station in its
FIR No. 130/2012/E, 65/2012
Calangute, Bardez, Goa.

... Respondents

Ms. Clara W. Patel, Advocate for the Petitioner.

Mr. Mahesh Amonkar, Addl. Public Prosecutor for the Respondent.

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

Date : **27th October, 2015**

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

Heard Ms. Patel, learned Counsel appearing for the Petitioner and Mr. Amonkar, learned Addl. Public Prosecutor appearing for the Respondent.

2. Rule. Heard forthwith with the consent of the learned Counsel. Learned Addl. Public Prosecutor appearing for the Respondent waives service.

3. Upon hearing the learned Counsel appearing for the respective parties, the main grievance of the Petitioner who is the mother of the victim who

died in the road accident, is that the learned Magistrate by Order dated 30.10.2012, granted 'A' summary in FIR no. 65/2012.

4. Learned Counsel appearing for the Petitioner submits that investigations were not carried out in accordance with law and the Petitioner was not aware about the said Order passed by the learned Magistrate. The learned Addl. Public Prosecutor states that the Petitioner can be heard by the learned Magistrate in the peculiar facts and circumstances of the case being the mother of the victim.

5. Without going into the correctness of the allegations made in the above Petition, we find it appropriate to quash and set aside the Order dated 30.10.2012 passed by the learned J.M.F.C., Mapusa, and direct the learned J.M.F.C., Mapusa to re-examine the final report no. 45/2012 afresh after hearing the Petitioner in accordance with law.

6. The parties are directed to appear before the learned J.M.F.C., Mapusa on 23.11.2015 at 10.00 a.m. and abide by further directions to the learned Magistrate.

7. Rule stands disposed of in the above terms.

K. L. WADANE, J.

F. M. REIS, J.

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