

IN THE HIGH COURT OF BOMBAY AT GOA**CRIMINAL WRIT PETITIONS NO.134 & 135 OF 2015**

Vijayraj R. Desai,
son of Raya Desai,
47 years of age, male, doctor,
presently in judicial custody at subjail,
Vasco, Goa and permanent resident of G-7,
'C' Building, Kurtarkar Township,
Ambaji, Margao, Goa-PIN 403602. ... Petitioner

Versus

STATE,
Through public prosecutor in CBI,
with office at F-1,
Type VI Goa Medical College quarters,
Bambolim, Goa. ... Respondent

Petitioner in person.
Mr. Joseph Vaz, Special Public Prosecutor for the Respondent.

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

Date:- 10th December, 2015

ORAL JUDGMENT : (Per C.V. Bhadang, J.)

Rule. Rule made returnable forthwith. The learned Special Public Prosecutor appearing for the respondent waives service. Heard finally by consent of the parties.

2. We have heard the petitioner for some time as also Mr. J. Vaz, the learned Special Public Prosecutor for the respondent.

3. Although the petitioner has raised several contentions, during the course of his arguments, the petitioner now restricts his prayer for expediting the trial which is pending before the learned Sessions Judge. Indisputably, five prosecution witnesses have already been examined, apart from a commission for recording of evidence of the mother of the deceased, being issued.

4. It is submitted by Mr. Vaz, the learned Special Public Prosecutor for the respondent that the petitioner has filed several applications before the learned Sessions Judge on account of which there was some delay in conduction of the trial. The petitioner, who appears in person submits that at present there are about five applications filed by the petitioner pending before the learned Sessions Judge out of which one of the applications seeking reference to this Court, which he is willing not to press.

The statement is accordingly accepted. The learned Sessions Judge shall decide the remaining 4 applications as expeditiously as possible.

5. Having regard to the submissions made and the limited relief

claimed, at this stage, we find that the trial before the learned Sessions Judge can be expedited. Mr. Vaz, the learned Special Public Prosecutor submits that the prosecution shall take all steps for securing the attendance of the material witnesses.

6. In that view of the matter, both the petitions are disposed of with a direction to the learned Sessions Judge to decide the sessions case as expeditiously as possible and preferably within a period of 4 months from the receipt of this order. The petitioner to cooperate for the early decision of the case.

7. Liberty to the petitioner to file an application for bail after the examination of the material witnesses. In the event such an application is filed, the learned Sessions Judge shall decide the same on its own merits in accordance with law. Both the petitions are disposed of in the aforesaid terms. Rule answered accordingly.

C. V. BHADANG, J.

F. M. REIS, J.

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