

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 177 OF 2016

IN

CRIMINAL WRIT PETITION NO. 64 OF 2015

JESSICA JACQUES.,

... Applicant

Versus

STATE OF GOA, THR. CHIEF SECRETARY
AND 5 ORS.,

... Respondents

Shri Balkrishna Prakash Sardessai, Advocate for the Applicant.
Shri A. Kamat, Advocate for the Original Petitioner.

Coram:- C. V. BHADANG, J.

Date:- 10th October, 2016

P.C.:

On 27/01/2016, while issuing Rule, this Court had granted interim relief to continue till final disposal of the matter. This was however subject to the statement made on behalf of the petitioner that in case of any emergency or any important function to be held in the affected families, the petitioner shall allow access to these families through the disputed path way in the same manner as it was being done before.

2. The present application has been filed by the original respondent no.3 for modification of the said order. It is contended that the proceedings under Section 133 Cr.P.C. out of which the present petition arises were not maintainable as the disputed path way cannot

be said to be a public road. It is submitted that the applicant/respondent no.3 intends to approach the Civil Court and the impugned order may come in the way of the applicant/respondent no.3.

3. On hearing the learned Counsel for the parties, I find that no case for modification is made out. It is however made clear that this order shall not come in the way of the parties to approach the Civil Court for an appropriate relief. If the applicant/respondent no.3 approaches the Civil Court, the Civil Court shall decide the matter on its own merits and in accordance with law.

C. V. BHADANG, J.

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