

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 745 OF 2014

ABDUL KALAM MOHAMMED.

... Petitioner

Versus

STATE OF GOA THROUGH CHIEF
SECRETARY AND 4 ORS.

... Respondent

Mr. Raunaq Rao, Advocate for the petitioner.

Mr. D. Lawande, Additional Public Prosecutor for the respondents
No.1 to 4.

Mr. Ashwin D. Bhobe, Advocate for the respondent No. 5.

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

Date:- 7th January, 2016

P.C.:

Heard Mr. Raunaq Rao, learned Counsel appearing for the petitioner, Mr. D. Lawande, learned Additional Public Prosecutor for the respondents No.1 to 4 and Mr. A. D. Bhobe, learned Counsel appearing for the respondent No.5.

2. During the course of hearing of the above petition, Mr. Raunaq Rao, learned Counsel appearing for the petitioner has pointed out that the petitioner has lodged a complaint against the respondent No.5 and as the FIR is not registered, proceedings under Section 156 Cr.P.C. have been filed by the petitioner before the learned J.M.F.C., Panaji. Mr. A. D. Bhobe, learned Counsel appearing for the respondent No.5 has pointed out that the respondent No.5 has been

falsely implicated in the complaint lodged by the petitioner. This aspect would have to be examined on its own merits, in accordance with law.

3. Mr. D. Lawande, learned Additional Public Prosecutor points out that the investigation, based on the complaint lodged by the respondent No.5 is still in progress.

4. In such circumstances, the relief sought in the above petition would not at all survive. The respondent No.4 shall, accordingly, proceed with the investigation based on the complaint lodged by the respondent No.5, in accordance with law. This order shall not influence the decision in the proceedings initiated by the petitioner under Section 156 Cr.P.C. which may be examined on its own merits, in accordance with law. All contentions of both the parties, on merits, are left open.

5. The petition stands disposed of accordingly.

K. L. WADANE, J.

F. M. REIS, J.

ssm.