

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 132 OF 2016

MR. NELSON CABRAL.,

... Petitioner

Versus

THE STATE THR. THE I.O./P.I.
PANAJI POLICE STATION, PANAJI AND
ANR.,

... Respondents

Mr. Joseph Vaz, Advocate for the Petitioner.

Mr. Pravin N. Faldessai, Additional Public Prosecutor for the
Respondent No. 1.

Coram:- C. V. BHADANG, J.

Date:- 1st October, 2016

P.C:

Heard Mr. Vaz, the learned Counsel for the petitioner and Mr. Faldessai, the learned Additional Public Prosecutor for the respondent no. 1.

2. The petitioner/accused is challenging the order dated 17.08.2016 passed by the learned Judicial Magistrate First Class at Panaji in Criminal Case No. 12/2014/B, by which the petitioner has not been allowed to confront PW-1, Prashant Divkar with a circular dated 15.07.2010, issued by the Corporation. This is on the ground that PW-1 is not the author of the said circular.

3. On hearing the learned Counsel for the parties, I do not find that any exception can be taken to the impugned order in as much as under Section 145 of the Evidence Act, the witness can only be

confronted with his previous statement. However, the learned Additional Public Prosecutor submits that the circular can be independently exhibited, subject to proof. He submits that the question of relevancy of the said circular be kept open.

4. In such circumstances, the following order is passed:

ORDER

(a) The learned Magistrate shall exhibit the circular dated 15.07.2010, subject to proof.

(b) The question of its relevancy is kept open.

(c) The petition is disposed of in the aforesaid terms.

C. V. BHADANG, J.

EV