

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 209 OF 2016

IN

CRIMINAL WRIT PETITION NO. 134 OF 2015

VIJAYRAJ R. DESAI, PRESENTLY IN
JUDICIAL CUSTODY AT SUBJAIL, VASCO
GOA.,

... Applicant

Versus

STATE, THROUGH P.P. IN CBI.,

... Respondent

Applicant in person.

Mr. Joseph Vaz, Special Public Prosecutor for the respondent.

Coram:- SMT. R. P. SONDURBALDOTA &
C. V. BHADANG, JJ.

Date:- 21st November, 2016

P.C.:

This application filed by the accused in Sessions Case No. 29/2014 pending before the Sessions Court, Margao, seeks as many as 10 reliefs. Most of the reliefs relate to the conduct of the trial by the Prosecution.

2. The first relief is as regards examination of material witnesses i.e. CW.54, a Forensic Expert and CW.3, brother-in-law of the applicant. It is the grievance of the the applicant that the Prosecution has been delaying examination of these two material witnesses. Mr. J. Vaz, learned Special Public Prosecutor makes a statement, on instructions, that CW.54, who is the Forensic Expert,

will be examined by the Prosecution on 5th December, 2016. As regards CW.3, the Prosecution will take a decision whether the said witness is required to be examined looking to the evidence that has already come on record. In view of these statements, no relief as regards prayer clause (a) needs to be granted.

3. The other reliefs at prayers (b) to (g) are in the nature of regulating the sessions trial, by giving several directions to the learned Sessions Judge as regards the conduct of trial. Needless to mention that the petitioner cannot be permitted to get the sessions trial regulated by this Court by issuing directions as prayed.

4. Prayers (h) and (i) sought by the applicant are to permit him to visit and meet his children at his residence once a week for 60 minutes and to allow him to make phone calls to his children. The applicant is at liberty to apply to the Sessions Court for such reliefs and as and when such application is made, the learned Sessions Judge shall consider the same in accordance with the provisions in the Jail Manual.

5. The application stands, accordingly, disposed off.

C. V. BHADANG, J.

SMT. R. P. SONDURBALDOTA, J.

ssm.