

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL APPLICATION (MAIN) NO. 62 OF 2017

MR. AUSTON ELVINIO RODRIGUES.,	... Applicant
Versus	
STATE OF GOA, THR. THE PUBLIC PROSECUTOR.,	... Respondent

Mr. Prashil Arolkar, Advocate for the applicant.

Mr. M. Amonkar, Additional Government Advocate for the respondent.

Coram:- C. V. BHADANG, J.

Date:- 1st March, 2017

P.C.

The applicant, who the accused in Criminal Case before the learned Judicial Magistrate, First Class, Ponda, is challenging the order dated 24/01/2017, whereby the application, seeking adjournment on the ground of the ill health of the Counsel, has been rejected with the following order :

"Witness has been bound over on last two dates of hearing. Under Section 309 of Cr.P.C. special reasons are required to be given when the matter is adjourned in spite of witness being present. There is no medical certificate annexed with this application. Adjournment cannot be granted for mere asking. Hence application is rejected."

2. I have heard the learned Counsel for the applicant and the learned Additional Public Prosecutor for the respondent.

3. It is contended on behalf of the applicant that as the Counsel was ill, he informed the applicant and on account of paucity of time, could not produce the medical certificate. In any event, considering the personal ground of ill health of the Counsel, the applicant is entitled to get an opportunity in the matter. In such circumstances, the Criminal Application is allowed. The impugned order is hereby set aside. The applicant shall be permitted to cross-examine PW3.

4. The application is disposed of in the aforesaid terms.

C. V. BHADANG, J.

SMA