

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 68 OF 2017

FABRICA OF MAE DE DEUS CHAPEL,
THR. ITS ATT., MR. TERRENCE LOUIS
PINTO.,

... Petitioner

Versus

STATE OF GOA, THR. THE PUBLIC
PROSECUTOR AND 3 ORS.,

... Respondents

Mr. Gaurish N. Agni with Mr. Eeshan Usapkar, Advocates for
the Petitioner.

Coram:- C. V. BHADANG, J.

Date:- 21st June, 2017

P.C:

Heard for sometime.

2. The learned Counsel for the petitioner submits that the proceedings under Section 145 of Cr.P.C. initiated before the learned Executive Magistrate are incompetent in the absence of an order under Section 145(1) of Cr.P.C. The learned Counsel does not dispute that this ground was neither raised in the reply filed before the Executive Magistrate, nor before the learned Sessions Judge in the Revision Application.

3. In such circumstances, the learned Counsel for the petitioner seeks permission to withdraw the petition with liberty to raise appropriate ground about the absence of a preliminary order before the Executive Magistrate.

4. In such circumstances, the Criminal Writ Petition is disposed of as withdrawn, with liberty as prayed.

C. V. BHADANG, J.

EV