

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 130 OF 2017

MR. PRADEEP MISHRA.,

... Petitioner

Versus

THE POLICE INSPECTOR, CALANGUTE
POLICE STATION AND 2 ORS.,

... Respondents

Mr. Kapil D. Kerkar, Advocate for the Petitioner.

Mr. S.R. Rivankar, Public Prosecutor for the Respondent Nos. 1
and 2.

Coram:- C. V. BHADANG &
PRITHVIRAJ K. CHAVAN, JJ.

Date:- 8th September 2017

P.C:

We have heard the learned Counsel for the petitioner and the
learned Public Prosecutor for some time.

2. The only contention raised is that in the complaint as well as
the statement of witnesses, the person by name 'Raj Mishra' is
mentioned as one of the assailants. It is contended that the
petitioner is 'Pradeep Mishra' and not 'Raj Mishra'.

3. The learned Public Prosecutor for the respondent nos. 1 and 2
submits that 'Raj Mishra' and 'Pradeep Mishra' is one and the
same person.

4. We are afraid that we cannot go into such a disputed question in a writ petition.

5. The learned Counsel for the petitioner submits that the charge sheet is filed in the year 2013 and the Magistrate is yet to frame the charge. He therefore prays for the criminal case, before the Magistrate, to be expedited.

6. In such circumstances, the petition is disposed of. The learned Magistrate is directed to hear the prosecution and the petitioner on the question of framing of charge and shall pass appropriate orders, within a period of six weeks from the receipt of this order.

PRITHVIRAJ K. CHAVAN, J.

C. V. BHADANG, J.

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