

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 98 OF 2017

NOVEX COMMUNICATIONS PVT., LTD.,
THROUGH THEIR AUTHORIZED REP., MR.
SURAJ KUMAR.,

... Petitioner

Versus

THE INSPECTOR OF POLICE, PANAJI
AND 8 ORS.,

... Respondents

Shri S.D.Lotlikar, Senior Advocate with Shri Nikhil Pai,
Advocate for the petitioner.

Shri S.R.Rivankar, PP for respondent-State.

Shri J.P.Supekar, Advocate for Intervenor in CRMA
No.158/2017.

Shri C.A.Coutinho, Advocate for Intervenor in STA
No.2103/2017.

Shri Joseph Vaz, Advocate for Intervenor in CRMA
No.176/2017.

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

Date:- 28th July, 2017

P.C.

Heard Shri S.D.Lotlikar, learned Senior Counsel for the
petitioner and Shri S.R.Rivankar, learned Public Prosecutor for
the respondent-State.

2. Shri Lotlikar, learned Senior Counsel for the petitioner, has
restricted the relief to prayer clause (e), which reads thus:-

"That this Hon'ble Court be pleased to issue a Writ in the
nature of Writ of Mandamus directing the respective Judicial
Magistrate First Class as specified in Exhibit - V to hear, decide

and dispose of the Applications under Section 156 (3) of the Cr.P.C. filed by the Petitioner seeking registration of First Information Report within a period of 15 days."

3. In other words, the petitioner only wants that the applications filed under Section 156 (3) of Code of Criminal Procedure, which are pending before various Magisterial Courts in the State as set out in Exhibit - V, to be expedited. Shri Lotlikar, learned Senior Counsel, has placed reliance on the decision dated 29.12.2016 of the Delhi High Court in the M/s. Event And Entertainment Management Association (EEMA) through Mr.Ramji Shrinivasan and others Vs. Union of India and others through Mr. Sanjeev Narula and others) in CM No.48304/2016 & W.P.(C) No.12076/2016. The learned Senior Counsel submits that the Delhi High Court has considered the order passed by this Court in Leopold Cafe & Stores Vs. Novex Communications Pvt. Ltd.(2014 (6) Bom CR 394) and has explained the same.

4. The learned Public Prosecutor in all fairness states that appropriate directions may be issued for deciding the applications under Section 156(3) of the Cr.P.C. in a time-bound manner.

5. We find that it will be for the concerned learned

Magistrate/s to consider the applications on their own merits and in the light of the judgment of this Court in the case of Leopold Cafe & Stores (supra) and the judgment of the Delhi High Court in the case of M/s. Event And Entertainment Management Association (EEMA) through Mr.Ramji Shrinivasan and others (supra) and having regard to the provisions of the amended section 156(3) of Cr.P.C.

6. Looking to the limited prayer involved, the petition is disposed of in the following terms:-

(i) We direct that the Criminal Applications as set out in Ex.V shall be decided as expeditiously as possible and preferably within a period of six weeks from the receipt of this order in accordance with law and in the light of the observations in para 5 above.

(ii) Needless to mention that, we have not examined the merits of the rival contentions, which are left open.

PRITHVIRAJ K. CHAVAN, J.
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C. V. BHADANG, J.