

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO. 52 OF 2017

SANGAPPA V. TENGINAKAI., ... Petitioner

Versus

SOBHA P. SHIRODKAR AND 2 ORS., ... Respondents

Petitioner present in person.

Coram:- PRITHVIRAJ K. CHAVAN, J.

Date:- 1st November 2017

P.C.

Petitioner who appears in person has challenged dismissal of his application below Exh.71 by the learned Judicial Magistrate, First Class, "D" Court Mapusa by which the petitioner has sought converting his Private Summons Case into a warrant case.

2. I have heard the petitioner in person. At the outset, the impugned order is interlocutory and, therefore, there is bar in view of Sub-section 2 Section 397 of Cr.P.C. to exercise revisional jurisdiction. On this aspect itself the revision can be disposed of.

3. Nevertheless, I have gone through the impugned order. It appears that on the basis of Private Complaint filed by the petitioner, the learned Magistrate had issued process after hearing the complainant and after going through the evidence on

record for the offence punishable under Section 323 read with Section 34 of IPC. Learned Magistrate appears to have issued summons after considering the complaint and evidence on record by order dated 26.7.2017. Even otherwise while considering a summons case it is a discretion of the learned Magistrate in the interest of justice to convert the case into one under warrant case and then proceed to hear the case as provided by Court for the trial of warrant case. I, therefore, do not find any illegality or impropriety in the impugned order passed by the learned Magistrate. Consequently, there is no merit in the revision and therefore, it needs to be rejected.

4. Criminal Revision Application stands rejected.

PRITHVIRAJ K. CHAVAN, J.