

**IN THE HIGH COURT OF BOMBAY AT GOA**

**CRIMINAL WRIT PETITION NO. 160 OF 2017**

ASTRID VAS.,

... Petitioner

Versus

STATE OF GOA, THR. THE CHIEF  
SECRETARY AND 2 ORS.,

... Respondents

Mr. E. Usapkar, Advocate for the petitioner.

Mr. P. Faldessai, Additional Public Prosecutor for the  
respondents.

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

Date:- 21st September 2017

P.C.

On hearing the learned Counsel for the parties, it appears that  
this petition can be disposed of on a short count.

2. The petitioner is desirous of getting a certified copy of the  
relevant entry in the Will Book No.137 from the office of the  
Sub-Registrar, Tiswadi. The petitioner is unable to obtain the  
certified copy on account of the fact that the said register/ book is  
attached and seized in connection with the investigation of FIR  
No.203/2009 by Police Station, Panaji. Indisputably, the trial in  
pursuance of the said FIR is pending before the learned Judicial  
Magistrate, First Class at Panaji in Criminal Case

No.202/2012/C. It is undisputed that the said Criminal Case, which is filed under Sections 419, 467, 468, 420 read with Section 34 of Indian Penal Code (IPC, for short), is in respect of some different entry and the petitioner has nothing to do with the said trial.

3. The petitioner had applied to the learned Magistrate purportedly under Section 451 of the Code of Criminal Procedure (Code, for short), for issuing a certified copy of the two Wills, recorded in the book bearing No.137.

4. The Investigating Officer, vide his reply dated 08/03/2017, had given no objection for furnishing the certified copy.

5. The learned Magistrate, by the impugned order dated 07/06/2017, has rejected the application on the ground that there is no provision in the Code which empowers the Court to issue the certified copy of the sealed MO property.

6. We have considered the circumstances and the submissions made.

7. Indisputably, the petitioner is in no way concerned with the criminal trial. Only because the relevant entry, of which the petitioner is desirous of getting a certified copy is part of the Will

book, which is attached and sealed in connection with some different offence, the petitioner cannot be prevented or deprived from getting the certified copy in accordance with law.

8. Powers under Section 482 of the Code can be exercised in an appropriate case to secure the ends of justice. In such circumstances, the following order is passed by consent of the parties :

#### ORDER

- (i) The learned Magistrate shall cause the copy of the relevant entry being taken in the presence of the Superintendent or any other officer of the Court and in the presence of the officer from the Sub-Registrar, Tiswadi.
- (ii) For this purpose, the Sub-Registrar, Tiswadi shall depute a responsible officer to the Court of the learned Judicial Magistrate, First Class, Panaji on 28/09/2017.
- (iii) The Officer from the office of Sub-Registrar, Tiswadi shall then issue a certified copy of the said entry to the petitioner on payment of charges as per rules.
- (iv) The learned Magistrate shall cause the register to be resealed after the copies are obtained and the minutes of the said proceedings shall be drawn under the signature

of the Officer of the Court and the concerned officer from office of the Sub-Registrar. The minutes shall be kept on the file of the Criminal Case.

(v) The petition is disposed of in the aforesaid terms.

PRITHVIRAJ K. CHAVAN, J.  
SMA

C. V. BHADANG, J.