

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO. 65 OF 2017

WILFRED A. N. JOAO., ... Petitioner

Versus

**STATE, THR. CID/CB NORTH GOA,
PANAJI AND 6 ORS.,** ... Respondents

Ms. Asha A. Desai, Advocate for the petitioner.
Mr. S. R. Rivankar, Public Prosecutor for the respondent no.1.

Coram:- PRITHVIRAJ K. CHAVAN, J.

Date:- 1st November 2017

P.C.

Heard Ms. Asha A. Desai, learned Advocate for the petitioner and Mr. S. R. Rivankar, learned Public Prosecutor for the respondent no.1.

2. The Additional Sessions Judge while disposing of Revision Application preferred against the order of learned Judicial Magistrate, First Class in Criminal Case No.296/S/12/D in Paragraph 40 made the following observation:-

"40. The statement of Shri Uday Anant Sawant prima facie suggest that all the facts were solely within the knowledge of accused no.7 and therefore, at this prima facie stage, it cannot be said that accused no.7 is not involved in the offence of forgery."

3. Learned Public prosecutor agrees that it would be suffice if a direction is given to the learned Magistrate not to get influenced

with the observation made in paragraph 40 above.

4. Learned Additional Sessions Judge, while partly allowing the Revision Application, quashed the issuance of process against the the original accused nos.1 to 6 except original accused no.7 who is the petitioner before this Court. Such observation only against accused no.7 was unwarranted. Learned Magistrate, therefore, shall not get influenced with the said observation made in paragraph 40 by the learned Additional Sessions Judge,.

5. In view of the above, petition stands disposed of.

PRITHVIRAJ K. CHAVAN, J.

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