

Meena

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO.18 OF 2018

Mohit Ranjeet Bothra

..... Petitioner

Versus

State of Goa, thr.the Public

Prosecutor and Anr.

..... Respondents.

Mr. Abhay Khandeparkar and Mr. Abhay Chikhilkar, Advocates for the Petitioner.

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

***Coram : N.M. Jamdar &
Prithviraj K. Chavan, JJ.***

Date : 19th April 2018.

P.C.:

We have heard this petition from time to time.

2. The learned Counsel for the Petitioner states that he has received telephonic instructions from the father of the Petitioner for not to press this petition and request the Court for issuing necessary directions to enable the Petitioner to apply for discharge.

3. The learned Counsel for the Petitioner submitted that the Petitioner is a student and because the order of committal has not

been passed since last 4 years he is unable to apply for discharge. The learned Additional Public Prosecutor states that the order of committal has been deferred in view of the fact that some of the accused are not traceable.

4. Though we are not inclined to consider the matter under the inherent powers of the Court, the fact that the Petitioner cannot apply for discharge, cannot continue indefinitely. Therefore, though we dispose off the petition in view of the instructions received by the learned Counsel for the Petitioner, we direct the learned Judicial Magistrate, First Class, Mapusa to issue an order of committal within a period of two months from today. If it is possible separate the trial of the persons who are not traceable, after taking necessary steps in law, the learned Magistrate will consider taking up such steps. The learned Magistrate will decide the application for discharge, if any, filed by the Petitioners as expeditiously as possible.

5. The learned Counsel for the Petitioner submitted that the Petitioner since pursuing his studies may be exempted from appearing before the Judicial Magistrate, First Class. Liberty to the Petitioner to make such an application to the Magistrate. The learned Magistrate to keep the facts and circumstances in mind, and call the Petitioner, when it is necessary. The learned Counsel for the

Petitioner states that the Petitioner will attend the dates in these circumstances.

6. With the above observations, the Writ Petition is disposed of as withdrawn.

7. We make it clear that we have not observed on the merits of the case.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.