

IN THE HIGH COURT OF BOMBAY AT GOA***CRIMINAL WRIT PETITION NO.47 OF 2017.***

Bijoy Kolita

..... Petitioner.

Versus

State of Goa, through Chief Secretary
and others

..... Respondents.

Mr. Dolorosa Tulkar, Advocate for the Petitioner.

***Coram : N.M. Jamdar &
Prithviraj K. Chavan, JJ.******Date : 3 May 2018.*****P.C. :**

On 6 April 2018 following order was passed:-

“The learned Additional Public Prosecutor states that it appears that no reply was filed and places on record an affidavit-in-reply, sworn by the Inspector General of Prisons. He also places on record a copy of the Judgment and Order passed by the Division Bench of this Court, (Principal Seat) in Criminal Writ Petition No.4034 of 2014, dated 28 April 2016. The learned Additional Public Prosecutor states that the challenge to the constitutional validity is bereft of any pleadings whatsoever. He submitted that the Petitioner has

been transferred to Central Jail, Lokhar, Guwahati, Assam. The learned Counsel for the Petitioner seeks time to take instructions as regards the transfer of the Petitioner.

- 2. The learned Counsel for the Petitioner and the learned Additional Public Prosecutor state that after transfer, the Petitioner will be governed by the Assam Rules. That being the position, the challenge raised by the Petitioner, if any, would be prima facie an academic exercise.*
- 3. S.O. to 26 April 2018.”*

2. The learned Counsel for the Petitioner states that she has received instructions that the Petitioner has been transferred to Guwahati and the Petitioner will be governed by Assam Rule and will have to prosecute his challenge there and in view of this position, she has received instructions to withdraw the Writ Petition.

3. Writ Petition is disposed of as withdrawn.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.