

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL REVISION APPLICATION NO. 35 OF 2018

Mr. Will Lucifer,
S/o Steven James Wingrove,
Aged 40 years,
R/o H. No.1-1/47,
Okam Road 46780,
Slovakai at present, Margao Municipal
Garden, Margao, Goa.
Presently serving sentence at
Central Jail Colvale, Goa.

..... Petitioner

V e r s u s

1. The State PI (Margao Town Police Station)
Madgao, Goa.

2. Public Prosecutor,
High Court building,
AG's Office, High Court,
Panaji-Goa.

..... Respondents

None for the Petitioner.

Mr. S. R. Rivankar, Public Prosecutor for the Respondent no.1.

Coram:- C. V. BHADANG, J.
Date:- 22nd October 2018.

JUDGMENT:

None for the petitioner. Heard Mr. Rivankar, the learned Public
Prosecutor for the Respondent no.1.

2. There was no appearance on behalf of the petitioner even on 18/6/2018
and 26/9/2018. Having regard to the fact that this is a criminal revision

application, I have perused the record and it is being disposed off finally.

3. By a judgment and order dated 17/11/2017, the applicant was convicted by the learned Magistrate under section 14 of the Foreigner's Act r/w Rule 6(a) of the Passport (Entry into India) Rules 1950. The conviction was recorded on a plea of guilty being recorded on behalf of the applicant. The applicant was sentenced to suffer simple imprisonment for one year for the offence punishable under section 14 of the Foreigner's Act and for the offence under Rule 6(a) of the Passport (Entry into India) Rules 1950 to suffer simple imprisonment for one month. Both the sentences were directed to run concurrently and the period already undergone in custody was directed to be set off. That was challenged by the petitioner before the learned Sessions Judge in Criminal Appeal No.10/2018, which was dismissed on 8/3/2018. Hence this revision petition.

4. I have gone through the judgment of the learned Magistrate as well as that of the learned Sessions Judge. Once the conviction was recorded on the basis of a plea of guilty, no challenge to such conviction would be competent, except to the extent or legality of the sentence as envisaged by section 375 of the Code of Criminal Procedure. Although on 26/4/2018 it was submitted by the learned counsel for the petitioner that even where the conviction is

recorded on plea of guilty, still the conviction can be challenged on merits, a notice was issued keeping the said point open. The petitioner has failed to show as to how the conviction recorded on plea of guilty can be challenged on merits. A perusal of the judgment of the learned Magistrate and that of the learned Sessions Judge does not show that they suffer from any infirmity, so as to warrant interference in the revisional jurisdiction of this Court. It appears that the petitioner by this time has already undergone the entire sentence and is not interested in prosecuting the revision. However, as noticed earlier, considering the fact that this revision was admitted, it was thought fit to peruse the record and to decide it on merits. I do not find any reason to interfere with the impugned judgment and order. In such circumstances, the revision application is dismissed.

C. V. BHADANG, J.

ap/-