

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO. 101 of 2016

Freddy Joseph D'Silva

... Petitioner

Versus

State of Goa, Through its Chief
Secretary And 5 Ors.,

... Respondents

Mr. Ryan Da Piedade Menezes, Advocate for the Petitioner.

Mr. S. R. Rivankar, Public Prosecutor for the State.

Coram : N. M. Jamdar,

Prithviraj K. Chavan, JJ.

Date : 12 April 2018.

P. C.

Learned Public Prosecutor states that the final report has been submitted to the learned Judicial Magistrate and the prosecution has proposed the 'A' summary. If 'A' summary has been proposed under Section 173 of the Code of Criminal Procedure, the Complainant will have to be heard and the Magistrate has ample power in case the Magistrate comes to the conclusion that further investigation is necessary.

2. Learned Counsel for the Petitioner submitted that Petitioner is not the complainant and his sister and her husband are the complainants and he has various apprehensions as regard the role

of his sister and her husband. He submits that since the Petitioner is not the complainant, the learned Magistrate may not hear the petition. The learned Public Prosecutor submits that it is open to the Petitioner to make an application to the Magistrate and if such an application is made, the State will not oppose the same.

3. In view of this position, since the Petitioner has adequate remedy in respect of his grievance, we do not find that there is any case made out for interference in writ jurisdiction.

4. We also heard the learned Counsel for the Petitioner on his first prayer as regards transfer of the Investigation. After arguing for some time, learned Counsel for the Petitioner states that he will be satisfied if only the above relief is granted. It is, therefore, not necessary to consider the prayer for transfer made by the Petitioner.

5. The Writ Petition is disposed of.

6. We make it clear that we have disposed of the Writ Petition in view of the availability of the above remedy to the Petitioner.