

IN THE HIGH COURT OF BOMBAY AT GOA

STAMP NUMBER MAIN NO. 1577 OF 2011

VISHAL DEVIDAS, PRESENTLY
UNDERGOING SENTENCE AT
CENTRAL JAIL AGUADA.,

...Appellant

Versus

STATE OF GOA THROUGH P.P.,

...Respondents

Shri Ryan Da Piedade Menezes, Advocate under Legal Aid
Service for the appellant.

Shri S.R. Rivankar, Public Prosecutor for the respondents -
State.

CORAM: NUTAN D. SARDESSAI, J.

DATED : 19th June, 2018.

ORAL ORDER :-

1. Heard Shri Ryan Menezes, learned Advocate for the appellant who submits that the appellant has undergone the sentence imposed on him vide the impugned Judgment dated 27/08/2010. However, there has been an error committed by the learned Additional Sessions Judge inasmuch as he has twice over convicted the appellant for the offence punishable under Section 8(2) r/w 2(y)(ii) of the Goa Children's Act 2003 and sentenced him to undergo rigorous imprisonment for a period of

10 years and fine of ₹2,00,000/- and in default, to undergo simple imprisonment for a period of six months. However, in view of this error committed by the learned Additional Sessions Judge twice over convicting him for the same offence, the impugned judgement and sentence to that extent be modified.

2. Shri Menezes, learned Advocate for the applicant submits further that the accused has substantially undergone the sentence and nothing survives in the appeal and does not wish to pursue the appeal further.

3. Shri S.R. Rivankar, learned Public Prosecutor for the respondents concedes that the learned Additional Sessions Judge has committed an error in sentencing the appellant twice over the same offence and to that extent the impugned judgement and sentences can be modified deleting the sentence under challenge at Sr.No.(iv).

4. In the result, therefore, the appeal is partly allowed.

5. The appellant shall be set at liberty if he is not required in custody in any other case.

6. The Registry to forward the order to the jail forthwith.
7. The appeal stands disposed off.
8. The parties to act on the authenticated copy of this order.

NUTAN D. SARDESSAI J.

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