

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (MAIN) NO. 143 OF 2016

SULEMAN GANI BAIG AND ANR.

... Applicants

Versus

**THE STATE OF GOA, THR. POLICE
INSPECTOR BICHOLIM POLICE STATION.**

... Respondent

Shri Ryan Da Piedade Menezes, Advocate for the Applicants.

Shri S.R. Rivankar, Public Prosecutor for the respondent.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 7th March 2018

P.C.:

Heard Shri Ryan Menezes, learned Advocate for the appellants and Shri S.R. Rivankar, learned Public Prosecutor for the respondent.

2. The learned Advocate for the appellants invited attention to the complaint dated 31/08/2013 and submitted that on its bare reading it is apparent that the provisions of Section 8(2) of the Goa Children's Act, 2003 in particular could not have been invoked in the case against the applicants.

3. Shri S.R. Rivankar, learned Public Prosecutor in fairness conceded that the provision of Section 8(2) of the Goa Children's Act, 2003 is not attracted to the case on a bare reading of the

complaint dated 31/08/2013. Considering his fair concession, the order under challenge dated 25/02/2016 insofar as the charge under Section 8(2) of the Goa Children's Act, 2003 is quashed and set aside alongwith the charge framed in consequence of the said order.

4. The Children's Court shall return the chargesheet to the Investigating Officer for appropriate action. As regards the other offences alleged in the complaint under I.P.C., all contentions of the parties are left open.

5. In view thereof, the Criminal Application stands disposed off.

NUTAN D. SARDESSAI, J.

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