

IN THE HIGH COURT OF BOMBAY AT GOA

**CRIMINAL WRIT PETITION NOS. 127/2017,
106/2017 AND 107/2017**

CRIMINAL WRIT PETITION NO. 127 OF 2017

Shri Dilip Parulekar, aged 53 years, Indian National, resident of House No. 353, Dhanwado, Saligao, Bardez-Goa.

.... Petitioner

Versus

1. Advocate Aireshe Rodrigues, of major age, Indian National, resident of C/G-2, Ribandar Retreat, Ribandar-Goa.
2. State of Goa, Through its P.P., Panaji-Goa.
3. Senior Inspector of Police, Porvorim Police Station, District North Goa, Porvorim, Bardez-Goa.

.... Respondents

Shri S.S. Kantak, Senior Advocate with Shri Abhijeet Kamat and Shri Simoes Kher, Advocates for the Petitioner.

Respondent No. 1 in person.

Shri Mahesh Amonkar, Additional Public Prosecutor for the Respondent Nos. 2 and 3.

CRIMINAL WRIT PETITION NO. 106 OF 2017

Shri Peter Martins, s/o Aniceto Martins, 46 years of age, service, r/o H. No. 886/6, Nr. Holly Family High School, Alto Porvorim, Bardez-Goa.

.... Petitioner

Versus

1. Advocate Aireshe Rodrigues, major in age, resident of C/G-2, Ribandar Retreat, Ribandar-Goa.
2. State of Goa, Through Deputy Superintendent of Police, CID Crime Branch, Ribandar, Tiswadi-Goa.
3. Police Inspector, Porvorim Police Station, Porvorim, Bardez-Goa.

.... Respondents

Shri Pranay A. Kamat, Advocate for the Petitioner.

Respondent No. 1 in person.

Shri Mahesh Amonkar, Additional Public Prosecutor for the Respondent Nos. 2 and 3.

CRIMINAL WRIT PETITION NO. 107 OF 2017

Irene V. Sequeira, major in age, Ex Administrator of Comunidades of North Zone (Bardez). Presently working as Office Secretary, Goa State Information Commission, having office at Kamat Towers, Patto, Panaji-Goa.

.... Petitioner

Versus

1. Advocate Aires Rodrigues, major in age, resident of C/G-2, Ribandar Retreat, Ribandar-Goa.
2. Deputy Superintendent of Police, CID Crime Branch, Ribandar, Tiswadi-Goa.
3. State of Goa, through Police Inspector, Porvorim Police Station, Porvorim, Bardez-Goa.

.... Respondents

Shri Pranay A. Kamat, Advocate for the Petitioner.

Respondent No. 1 in person.

Shri Mahesh Amonkar, Additional Public Prosecutor for the Respondent Nos. 2 and 3.

CORAM:- C. V. BHADANG, J.

HEARD/RESERVED ON: 05.09.2017/19.04.2018

PRONOUNCED ON: 22nd JUNE 2018

OPERATIVE COMMON ORDER:

(a) Criminal Writ Petition Nos. 127/2017, 106/2017 and 107/2017, are partly allowed.

(b) The order dated 09.12.2016, taking cognizance of the complaint under Section 190(1)

(a) of Cr.P.C., is hereby confirmed.

(c) The part of the order dated 01.06.2017, issuing process against the petitioners, for the offence punishable under Section 13(1)(c) and (d) of the Prevention of Corruption Act, is hereby set aside, for want of sanction.

(d) The order issuing process against the petitioners for the offences punishable under Section 119, 120, 420 read with Section 120-B of IPC, is hereby confirmed.

(e) The Private Criminal Case No. 2/2016, shall be made over to the Court of the Judicial Magistrate First Class at Mapusa, for disposal in accordance with law.

(f) The learned Magistrate shall decide the issue of framing of charge on its own merits and in accordance with law.

(g) The parties to appear before the learned Judicial Magistrate First Class at Mapusa on 06.08.2018.

(h) The petitions are disposed of in the aforesaid terms.

C. V. BHADANG, J.