

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 123 OF 2018

DATTATRAYA GADGIL.,

... Petitioner

Versus

HERCULANO WILLIAM FERNANDES AND
ANR.,

... Respondents

Shri Rohan Pandurang Desai, Advocate for the petitioner.

Shri D. Vernekar, Advocate for the respondent No.1.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 17th December 2018

P.C.:

Heard Shri Rohan Pandurang Desai, learned Advocate for the petitioner and Shri D. Vernekar, learned Advocate for the respondent No.1.

2. The present petitioner is assailing the order passed by the learned J.M.F.C. dated 26/06/2018 pursuant to which the petitioner was directed to remain present before the Trial court on the next scheduled date i.e. on 18/07/2018. It is apparent from the Roznama produced on record by Shri Vernekar, learned Advocate for the respondent No.1 that the petitioner-accused was present before the Trial Court on 29/06/2018 when an application was moved at his instance seeking the cancellation of the warrant. It is submitted by Shri Rohan Desai, learned Advocate for the petitioner in the course of the arguments that

the accused was absent on that date i.e. on 27/08/2018 and when he had moved an application for his exemption which came to be granted by the learned J.M.F.C. Shri R. Desai, learned Advocate also produced on record the extract of the Roznama dated 26/10/2018 and 16/11/2018 pursuant to which the petitioner-accused appeared before the learned J.M.F.C. and the matter proceeded before the Court accordingly. To all intents and purposes, the order issuing N.B.W. has been rendered infructuous considering that the accused had been exempted from appearance by the J.M.F.C. on 27/08/2018.

3. In the circumstances therefore nothing survives in the petition which is accordingly dismissed.

4. The petitioner shall ensure his presence before the learned J.M.F.C. on all dates of hearing hereinafter and to co-operate with the trial.

5. The learned J.M.F.C. is directed to dispose off the proceedings within six months i.e. latest by 1st June,2019.

NUTAN D. SARDESSAI, J.

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