

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO.141 OF 2018

Ajay Kumar Thakur

... Petitioner

Versus

State of Goa & Ors.

... Respondents

Ms. Gautami Kamat, Advocate for the petitioner.

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

***Coram : R. M. Borde &
Prithviraj K. Chavan, JJ.***

Date : 27th November 2018.

P.C. :

The instant petition is presented seeking directions to the respondent/State to transfer the investigation to the Crime Branch/CID or CBI relating to the missing report No.17/2017 filed at the Calangute Police Station. It does appear that the son of the petitioner by name Aditya along with his three friends had been to Goa on 12th August 2017 and were staying in White Gate Guest House at Baga, Calangute. On 13th August 2017, at about 21.30

hours, the son of the petitioner Aditya along with one Akhilesh Kumar had gone to Baga beach. At around 22.30 hours, both of them had entered in the sea water. After some time, it transpired that out of two friends who had entered the sea water, one was traced and other did not return to the shore. The information was passed on to the Life Guard Tower and after search Akhilesh Kumar was found. It is informed that the report in respect of the missing person was registered by Arun Mandrekar and during the course of the enquiry, he flashed a wireless message to PCR Panaji and other places. During the investigation, it was revealed that out of four friends who had been to Goa, two entered the sea water at the relevant time, one was found on the shore and the son of the petitioner was not traced.

2. The statement of one Parth Babubhai Savaliya has been recorded who was also present incidentally at the spot of occurrence at Baga beach. He has informed that at around 23.00 hours or so he along with his one of the relatives were sitting at Baga beach. He noticed two boys had gone in the sea water and one of their friends was sitting on the beach and after about 10 to 15 minutes, those who entered the sea water were not noticed. The witness further claims to have informed the friend who was sitting at the shore that two boys

who had gone in the sea water were not noticed. The friend who was sitting on the beach started searching them and after some time, a message was transmitted to the Life Guard Tower. The other friend who had accompanied the son of petitioner by name Akhilesh Kumar was traced, however, the son of the petitioner was not found.

3. The learned Public Prosecutor for the State informed that all efforts were made and are being made to find out the missing person. It is further informed that at the relevant places, in order to ascertain whether the body of the missing person can be found, appropriate search was made, however, inspite of efforts taken from the date of the incident the missing person is not found. It must be emphasized that the litigation initiated by the petitioner cannot be treated as adversarial litigation. We hope and trust that the Police Authority will continue with their efforts and conduct further investigation in pursuance to the missing report No.17/2017. If at all, the petitioner receives any relevant information, he shall transmit the same to the Police Authority and the Police Authority shall act upon the said information and try to continue the search of the missing person. No further orders are required to be passed in the writ petition in the facts and circumstances of the case.

4. In view of the above, the writ petition is disposed of.

Prithviraj K. Chavan , J.

R. M. Borde , J.

*at**