

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 146 OF 2018

DEODITA ALEX LINA FERNANDES., ... Petitioner

Versus

STATE OF GOA, THR. PUBLIC
PROSECUTOR AND 2 ORS., ... Respondents

Shri Anthony Joe D'silva, Advocate for the Petitioner.
Shri Pravin Faldessai, Additional Public Prosecutor for the
Respondent Nos.1 and 2.
Shri Ashwin D. Bhohe, Advocate for the Respondent No.3.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 10th October 2018

P.C.

Having considered the contention of Shri Anthony D'Silva, learned Counsel appearing for the petitioner and the fair concession by Shri Pravin Faldessai, learned Additional Public Prosecutor appearing on behalf of the State, the impugned order passed by the learned Magistrate and that passed by the learned Additional Sessions Judge are quashed and set aside. The matter is remanded to the learned JMFC to reassess the material afresh and record further evidence if any as produced by the petitioner apart from any documents in that regard.

2. It has been brought to my notice that the role of the respondent no.3 is limited to the extent of the issuance of the

non-availability certificate.

3. The petition stands disposed off.

4. The parties are directed to appear before the learned JMFC, Panaji on 25.10.2018 at 10.00 hours.

NUTAN D. SARDESSAI, J.

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