

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO.159 OF 2017

Mr. Jowett D'souza

... Petitioner

Versus

State of Goa & Ors.

... Respondents

Party present in person.

Mr. Pravin N. Faldessai, Addl. Public Prosecutor for respondent nos.1 to 4.

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

Date : 5th December 2018.

P.C. :

The party present in person. He seeks time however, we are not inclined to adjourn the matter. The petitioner has prayed for the following reliefs.

“(a) for a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, directions directing the respondents to hand over investigation of Crime No.52/2005 (registered at Maina Curtorim Police

Station) to the Central Bureau of Investigation for investigation in accordance with Chapter XII of the Code of Criminal Procedure, 1973, or alternatively

(b) to constitute a Special Investigation Team to investigate Crime No.52/2005 in terms of Chapter XII of the Code of Criminal Procedure, 1973,

(c) any other order this Hon'ble Court deems fit and proper in the peculiar facts and circumstances of this case.”

It has been pointed that the investigation in respect of the Crime No.52/2005 is already complete and a charge-sheet was presented to the Court of Judicial Magistrate First Class at Margao on 26th May 2010. It has been further pointed out that the trial in respect of the offence is also complete and the accused who were added as respondents in the instant petition have already been acquitted after conducting trial by the Judicial Magistrate First Class at Margao by judgment and order dated 14th December 2017. In view of the development as recorded above, occurring during the continuance of the petition, the instant petition is rendered infructuous and the same is accordingly disposed of.

Prithviraj K. Chavan , J.

R. M. Borde , J.

*at**