

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 193 OF 2018

AKSHAY MAHALE.,

... Petitioner

Versus

**STATE OF GOA, THR. POLICE
INSPECTOR, PERNEM, POLICE STATION,
PERNEM AND ANR.,**

... Respondents

Mr.A. Swar, Advocate for the petitioner.

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

**Coram:- R. M. BORDE &
PRITHVIRAJ K. CHAVAN, JJ.**

Date:- 26th November 2018

P.C.

The accusations against the accused are in the nature which needs to be tried as summary trial under Chapter XXI of the Code of Criminal Procedure, 1973. There are 11 accused arrayed in the Charge-sheet and only the petitioner has approached this Court. According to him, the petitioner was not a member of the unlawful assembly and, as such, his name need not appear in the charge-sheet. Since the case itself is being tried as summary trial, it is open for the petitioner to raise an appropriate defence before the Magistrate. Therefore, this is not a fit case to exercise extraordinary jurisdiction under Article 226 of the

Constitution of India. Hence, the petition is rejected.

PRITHVIRAJ K. CHAVAN, J.

R. M. BORDE, J.

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