

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO. 64 OF 2018

SHAMAD MIRKHA MAHAJAN., ... Applicant

Versus

STATE, THR. THE POLICE INSPECTOR,
PANAJI POLICE STATION, PANAJI AND
ANR., ... Respondents

Shri Vijay A. Palekar, Advocate for the Applicant.

Shri S.R. Rivankar, Public Prosecutor for the Respondents.

Coram:- C. V. BHADANG, J.

Date:- 17th December 2018

P.C.

By this criminal revision application, the applicant is challenging the order dated 06.10.2018, passed by the learned Sessions Judge in Criminal Miscellaneous Application No. 116/2018, thereby refusing to condone the delay in filing the criminal revision application challenging the order dated 03.04.2017, passed by the learned Magistrate in Criminal Miscellaneous Application No. 354/2016/B. That was an application filed by the applicant under Section 457 of Cr.P.C. for release of the amount of Rs.8,19,831/-.

2. Admittedly, the said application was filed during the period when the investigation was in progress. Undisputedly, after the said order was passed by the learned Magistrate, the

investigation is complete and the chargesheet is filed. In view of the changed circumstances, Shri Palekar, the learned Counsel for the applicant submits that the applicant shall file appropriate application under Section 451 of Cr.P.C., before the learned Magistrate.

3. If such an application is filed, the learned Magistrate shall decide the same on its own merits and in accordance with law, without being influenced by the observations made in order dated 03.04.2017. In view of this, the petition is disposed of.

C. V. BHADANG, J.

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