

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 47 OF 2018

VISHAL DEVIDAS, CURRENTLY IN
CUSTODY AT MODERN CENTRAL JAIL,
COLVALE.,

... Petitioner

Versus

THE STATE OF GOA, THROUGH POLICE
INSPECTOR, QUEPEM POLICE STATION,
QUEPEM.,

... Respondent

Adv. Ryan Da Piedade Menezes for the Petitioner.
Mr. S. R. Rivankar, Public Prosecutor for the Respondent.

Coram:- N. M. JAMDAR &
PRITHVIRAJ K. CHAVAN, JJ.

Date:- 3rd May 2018

P.C.:

Leave to amend the prayer clause granted. Amendment to be carried out forthwith.

2. It appears that the petitioner had earlier filed a criminal appeal and which was withdrawn by the petitioner before the Registrar. The learned counsel for the petitioner submitted that the petitioner was not aware of the consequences of decision and the appeal be heard on merits. He states that the petitioner has now realized the consequences of the withdrawal of his appeal before the Registrar, and he was not in a fit state of mind at that time.

3. We have considered the facts and circumstances of the case. The petitioner has been convicted to undergo imprisonment for a

period of 10 years. The petitioner had withdrawn the appeal when it was pending before the Registrar. In normal circumstances, a person convicted and sentenced for 10 years period without getting his appeal adjudicated on merits, would not have withdrawn the same. The appeal was not dismissed on merits. The contention of the learned counsel for the petitioner that the petitioner was not in a fit state of mind when he had withdrew the appeal, appears to be plausible. We are of the opinion that an opportunity needs to be given to the petitioner to prosecute his appeal on merits.

4. Accordingly the order passed by the Registrar of this Court dated 27/7/2012 permitting withdrawal of the appeal and the application for condonation of delay, is quashed and set aside. The appeal of the petitioner along with the application for condonation of delay stands restored to file.

5. The appeal and the application for condonation of delay to be placed before the appropriate Court by the Registry.

6. Rest of the reliefs sought for in this petition do not survive. The writ petition is accordingly disposed off.

PRITHVIRAJ K. CHAVAN, J.

N. M. JAMDAR, J.

ap/-