

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 36 OF 2019

SHAIKH ABDUL AZEEM.,

... Petitioner

Versus

ANTONIO CARMO CAMILO FERRAO AND
ANR.,

... Respondents

Mr. B. P. Sardesai, Advocate for the Petitioner.
Mr. Carlos Alvares Ferreira and Mr. Shane Pereira Gomes,
Advocate for the Respondent nos.1 and 2.

Coram:- C. V. BHADANG, J.

Date:- 26th April 2019

P.C.

Heard the learned Counsel for the parties.

2. The petitioner is challenging the order dated 28.01.2019 and 25.02.2019 passed by the District Forum whereby the District Forum has refused to stay the execution proceedings and has issued a non-bailable warrant against the petitioner.

3. Indisputably, the initial order passed by the State Commission on 24.08.2017 has been challenged by the petitioner before the State Commission in which there is an application for condonation of delay which is pending consideration before the District Forum.

4. The learned Counsel for the petitioner pointed out that the

said application is fixed for hearing before the State Forum on 07.05.2019. The order passed by the District Commission issuing recovery certificate in the sum of Rs.25,04,000/- is also subject matter of challenge before the State Forum and the order issuing recovery certificate has been stayed.

5. The question is whether this Court can entertain the petition whereby the petitioner is seeking the stay of the execution case and recall of warrant of arrest.

6. On hearing the learned Counsel for the parties, I find that the petitioner has already taken a recourse to a statutory remedy of an appeal against the order dated 24.08.2017 and it is for the petitioner to press for the application for condonation of delay as well as the application for stay pointing out the urgency, if any, in the matter. It is necessary to note that the petitioner had prayed for the stay of the execution case which has been refused by the learned District Forum.

7. In that view of the matter, I decline to entertain the petition which is accordingly dismissed.

C. V. BHADANG, J.