

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 168 OF 2018

MUNNALAL HALWAI.,

... Petitioner

Versus

STATE OF GOA, THR. ITS CHIEF
SECRETARY AND 4 ORS.,

... Respondents

Mr. Nigel Da Costa Frias and Ms. M. Corriea, Advocate for the
Petitioner.

Mr. S. R. Rivankar, Public Prosecutor for respondent nos.1 to 3.

Mr. M. Amonkar, Central Government Standing Counsel for the
respondent no.5.

Coram:- R. D. DHANUKA &
PRITHVIRAJ K. CHAVAN, JJ.

Date:- 9th April 2019

P.C.

We have perused the affidavit in reply filed by the Chief Vigilance Officer/Chief Secretary, State of Goa dated 5.4.2019 stating that ACB upon re-analyzing all available material made a report dated 19.2.2019. In view of the report, a final order was issued on 11.3.2019 closing the preliminary enquiry in the case of Shri Sunil Garg initiated upon the complaint made by the petitioner. The said order has already been sent to Ministry of Home Affairs, New Delhi on 13.3.2019 for information and for further action.

2. The Ministry of Home Affairs is directed to pass an appropriate order. The learned Counsel for the petitioner states

that representation of the petitioner was made even before the State Government submitting a report. He states that the petitioner thus should be permitted to make a representation before the Central Government also before passing any order under Section 19(1) of the Prevention of Corruption Act.

3. Petitioner is permitted to make a representation before the Central Government within two weeks from today. If any such representation is made by the Petitioner, the Central Government shall consider such representation before passing any final order under Section 19(1) of the Prevention of Corruption Act. An appropriate order shall be passed by the Central Government within four weeks from the date of receipt of representation from the petitioner and shall convey such order to the petitioner as well as to the State Government within one week from the date of passing of such order.

4. Petitioner would be at liberty to file appropriate proceedings depending upon the outcome of the order that may be passed by the Central Government.

5. Writ Petition is disposed of on the aforesaid terms. No order as to costs.

PRITHVIRAJ K. CHAVAN, J.

R. D. DHANUKA, J.