

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 164 OF 2018

EMILIO CARLOS ANTONIO JUDE THADEUS
COSTA MARTINS., ... Petitioner

Versus

MARIA DO CARMO RIBEIRO DE SANTANA
COSTA MARTINS AND 2 ORS., ... Respondents

Mr. Rohan Pandurang Desai, Advocate for the Petitioner.
Mr. Ajit R. Kantak, Advocate for the Respondent nos.1 and 2.

Coram:- C. V. BHADANG, J.

Date:- 5th April 2019

P.C.

Heard learned Counsel for the parties.

2. This petition is filed challenging the order dated 11.09.2018 passed by the learned Magistrate, by which an application filed by the respondent for issuance of summons to the authorised officer of the Corporation Bank of Panaji to produce certain documents as set out in the application dated 13.08.2018, has been allowed.

3. Shri Desai, the learned Counsel for the petitioner has raised two contentions, first that whenever the said witness produces the document, the petitioner may be afforded an opportunity to

go through the documents before the further cross examination of the respondent is conducted and, secondly, the petitioner may be permitted to examine the concerned Officer of the Bank and respondent no.2, if necessary.

4. I find that on none of these grounds, there was any need to file the present petition. Inasmuch as if the petitioner wants time to go through the documents before hand, upon their production, it would always be open to the petitioner to request the learned Magistrate to postpone the cross examination by a reasonable period in order to enable the petitioner to go through the documents and thereafter face the further cross examination. If such a request is made, the learned Magistrate shall consider it appropriately and in accordance with law.

5. In so far as the examination of the witnesses namely the Officer of the Bank and the respondent no.2 is concerned, this Court cannot express any opinion on this aspect. However, it will be open to the petitioner to seek the examination of these witnesses before the learned Magistrate and if such an application is filed, the learned Magistrate shall decide the same on its own merits and in accordance with law.

6. It is made clear that this Court has not expressed any opinion on the aspect of the claim of the petitioner to examine the Officer

of the Bank and/or the respondent no.2.

7. The Petition is disposed off in the aforesaid terms.

C. V. BHADANG, J.

arp/*