

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO. 189 OF 2018.

Mr. Gajendra Singh @ Chotu s/o
Rotan Singh, Age 37 years, R/o H.
No.1657, Deul Wado, Anjuna,
Bardez, Goa.

..... Petitioner.

Versus

- 1 State of Goa through Chief
Secretary Government of Goa,
Secretariat Complex,
Porvorim, Bardez, Goa.
- 2 The Director General of
Police, Goa Police, Panaji, Goa.
- 3 The Superintendent of
Police(North Goa), Porvorim
Police Station, Porvorim,
Bardez, Goa.
- 4 The Police Inspector Incharge,
Anjuna Police Station, Anjuna,
Bardez, Goa.
- 5 Sub Divisional Magistrate,
Mapusa, Goa.

..... Respondents.

Mr. Siddesh Shet, Advocate for the petitioner.
Mr. S. R. Rivankar, Public Prosecutor for respondents.

**Coram:- R. D. DHANUKA &
PRITHVIRAJ K. CHAVAN, JJ.**
Date:- 8th April, 2019.

ORAL JUDGMENT (Per R. D. Dhanuka, J.)

By this petition, the petitioner has prayed for Writ of Mandamus directing the respondent to close down/discontinue the history sheet

opened against the petitioner.

2. The learned Counsel for the petitioner invited our attention to the judgment delivered by this Court on 27.2.2018 in the case of **Ajju C. S. Versus State of Goa and others in Criminal Writ Petition No.215/2017** and submitted that issue involved in this petition is concluded by this judgment, more particularly paragraph 8 thereof.

3. In paragraph 8 of the said judgment it is held by the Division Bench of this Court that there is no law in existence in the State of Goa covering this area discretion of the Police Authority. No document is shown to us that the Bombay Police Manual is adopted in the State of Goa. It is held that as on today, the Police Officers are opening history sheet and placing the people under surveillance in the State of Goa without there being any authority whatsoever. This position cannot be countenanced in view of the dicta of the Apex Court in the case of **K. S. Puttaswamy and another VS. Union of India and Others, AIR 1963 SC 1295**. This Court accordingly directed by way of interim order that the surveillance on the Petitioner shall cease forthwith.

4. Mr. Rivankar, learned Public Prosecutor does not dispute that in the State of Goa, provisions of Bombay Police Manual in so far as opening of history sheet is not adopted so far. He however, states that

the State of Goa is also in the process of adopting provisions of Bombay Police Manual in so far as opening of history sheet is concerned and would introduce rule in that regard. Statement is accepted.

5. The issue involved in this petition is concluded in view of the view taken by this Court in the case of **Ajju C. S.** (*supra*). In our view said judgment applies to the facts of this case, we are respectfully bound by the said judgment.

6. In our view, the respondents thus cannot open any history sheet against the petitioner since such provisions of Bombay Police Manual are not adopted in the State of Goa.

7. Rule is accordingly made absolute in terms of prayer clause (A). There shall be no order as to costs.

PRITHVIRAJ K. CHAVAN, J.

R. D. DHANUKA, J.

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