

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 215/2017.

AJJU C. S.

Major in age, Businessman,
r/o House No. 491/2,
Danva, Thivim-Mapusa,
Bardez, Goa.

... Petitioner

Vs.

1. State of Goa,
Through the Public Prosecutor,
High Court, Panaji, Goa.

2. The Police Inspector,
Economic Offence Cell/
Crime Branch, Ribandar, Goa.

3. The Police Inspector,
Mapusa Police Station,
Mapusa – Goa.

4. Superintendent of Police
(North), Panaji, Goa.

... Respondents

Mr. V. R. Amonkar, Advocate for the Petitioner.

Mr. S. R. Rivankar, Public Prosecutor for the Respondents.

**Coram : C. V. Bhadang &
Nutan D. Sardesai, JJ.**

Date : 11th October, 2019.

Oral Judgement: (Per C. V. Bhadang, J)

Heard learned Counsel for the parties.

2. Leave granted to correct the prayer Clause. Necessary correction to be carried out forthwith.

3. The challenge in this petition is to the order dated 13.06.2017 passed by the Superintendent of Police, North Goa whereby a history sheet is opened against the petitioner directing him to furnish his photograph, finger prints and other details in order to maintain surveillance on him on 27.04.2018.

4. Mr. V. Amonkar, learned Counsel for the petitioner has brought to our notice a decision of the Division Bench of this Court dated 08.04.2019 in **Criminal Writ Petition No. 189/2018, Mr. Gajendra Singh Vs. State of Goa and others** in which this Court after placing reliance on the decision of the Hon'ble Supreme Court in the case of **K.S. Puttaswamy and anr. Vs. Union of India and ors.,**

AIR 1963 SC 1295 has held that it was not open for the respondent police authority to open any history sheet, since the provisions of Bombay Police Manual are not adopted in the State of Goa.

5. That aspect is not disputed by the respondent in the affidavit in reply dated 27.04.2018. Mr. Rivankar, the learned Public Prosecutor on instructions states that the matter about adoption of the provisions of the Bombay Police Manual is under consideration of the Government.

6. Be that as it may, in the absence of a provision authorising the respondents to open such history sheet, the impugned communication dated 13.06.2017 cannot be sustained.

7. In the result, the petition is allowed. Rule is made absolute in terms of prayer Clause (a) and (b).

NUTAN D. SARDESSAI, J.

C.V. BHADANG, J.