

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL TRANSFER APPLICATION NO. 2 OF 2018

CHANBI OLI KHAN.,

... Appellant

Versus

STATE OF GOA, THR. POLICE
INSPECTOR, PANAJI AND ANR.,

... Respondents

Shri Nilesh V. S. Shirodkar, Advocate for the applicant.

Shri S.R. Rivankar, Public Prosecutor for the respondents.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 9th January 2019

P.C.:

Heard Shri Nilesh V. S. Shirodkar, learned Advocate for the applicant and Shri S.R. Rivankar, learned Public Prosecutor for the respondents.

2. Besides, i have also perused the report of the learned Officer of the Children's Court who has merely given a chronology of events and otherwise appended the deposition and the adjournment application in the matter before her without offering any comments qua the transfer of the proceedings.

3. Shri Rivankar, learned Public Prosecutor concedes that there is also no explanation coming forth on behalf of the learned Presiding Officer why the relevant documents were not furnished

to the applicant which were allowed to be produced in the course of the cross-examination of the witness.

4. It is apparent that the applicant is likely to be seriously prejudiced in the trial taking note of the conduct of the Presiding Officer who appears to be biased in the matter. It is therefore in the interest of justice that the matter be transferred to another Court of competent jurisdiction. It has been submitted by the learned Advocate for the applicant that in the absence of the Children's Court, the matters are normally dealt with by the learned Additional Sessions Judge-I as the link Court.

5. In view thereof, the case pending on the file of the Children's Court is withdrawn and transferred to the Court of the Additional Sessions Judge-I, Panaji for disposal in accordance with law.

6. The application accordingly stands disposed off.

NUTAN D. SARDESSAI, J.

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