

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO.1067 OF 2019
IN
WRIT PETITION NO.318 OF 2018

Union of India,
Ministry of Defence. Applicant.

Versus

Surg. Lt. CDR. Trishna
Taralkar & anr. Respondents.

Mr. Raviraj R. Chodankar, Standing Counsel for the Applicant.
Mr. Bhargav M. Khandeparkar, Advocate for the Respondents.
Mr. D. Pangam, Advocate General with Ms. Neha Kholkar,
Additional Govt. Advocate for original Respondents No. 5 & 6.
Mr. D. Lawande, with Mr. P. Dangui, Advocates for original
Respondents No.7 & 9.

Coram : M.S. Sonak &
Smt. M.S. Jawalkar, JJ.
Date : 9th December, 2019.

P.C. :

Heard Mr. Chodankar appearing for the original
Respondent No.4 and the Applicant in this Misc. Civil Application
No.1067/2019.

2. On 21/11/2019, we were constrained to issue aailable
warrant to secure presence of Mr. A.K. Tewari, Deputy Secretary

(AG-I), New Delhi, as we found that our orders were neither being complied with, nor were any application seeking extension of time in that respect being filed before us.

3. Today, Mr. Chodankar, learned Standing Counsel for the Union of India refers to the communication dated 2.12.2019. The application states that the Hon'ble Raksha Mantri has declined approval for sanction for prosecution against Lt. Col. J.S. Uppal, but has directed for taking over of the criminal case under Section 125 of the Army Act.

4. At this stage, it is really not necessary for us to go into the decision on merits of the issue of legality or otherwise of the decision taken. Suffice to note that there is now compliance with our earlier orders and, therefore, we are satisfied that there is no necessity for the bailable warrant to stand.

5. Accordingly, we recall our order issuing bailable warrant.

6. Misc. Civil Application No.1067/2019 is disposed of in the aforesaid terms.

Smt. M.S. Jawalkar, J.

M.S. Sonak, J.