

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 63 OF 2020

YASHPAL RAIKAR.,

... Petitioner

Versus

**DY. COLLECTOR, SDO AND SUB
DIVISIONAL MAGISTRATE, MAPUSA AND
ANR.,**

... Respondents

Shri S. M. Walwalkar, Advocate for the Petitioner.

Shri S. R. Rivankar, Senior Public Prosecutor with Shri G.
Nagvekar, Addl. Public Prosecutor on behalf of the
respondents/State.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 3rd July, 2020

P.C.:

Shri S. R. Rivankar, Senior Public Prosecutor concedes in fairness that the order passed by the learned Deputy Collector i.e. the respondent no.1 is per se not maintainable and being contrary to the mandate of Section 340 Cr.P.C. In view thereof and as rightly submitted by Shri S. M. Walwalkar on behalf of the petitioner, the impugned order dated 27.08.2019 is quashed and set aside with a direction to the respondent no.1 to conduct inquiry afresh in terms of Section 340 Cr.P.C. and to initiate a complaint in accordance with law. In these terms the application stands disposed off.

2. It follows as a necessary sequel that the order of the learned Administrative Tribunal cannot stand the test of legal scrutiny and the same is quashed and set aside.

NUTAN D. SARDESSAI, J.

MF/-