

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 82 OF 2020

AJJU C. S. SINDOLLI.,

... Petitioner

Versus

MAHESH PARAB AND ANR.,

... Respondents

Shri Vibhav Rajiv Amonkar, Advocate for the Petitioner.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 16th March, 2020

P.C.:

Heard Shri V. Amonkar, learned Advocate for the Petitioner who submitted that the matter was fixed before the learned Judicial Magistrate, First Class on 05.02.2020 when the learned Magistrate granted the next date for hearing as 24.02.2020.

2. It was his contention that in the meantime, he had procured the order of stay from the learned Addl. Sessions Judge, Mapusa in the revision filed by him challenging the order of the learned Magistrate dated 07.11.2019 despite which the learned Magistrate granted the next date of hearing as 24.02.2020. Even though the order of stay was brought to the notice of the learned Magistrate, the learned Magistrate on the scheduled date i.e. on 24.02.2020 issued a non-bailable warrant against the petitioner though the stay before the learned Addl. Sessions Judge had been

extended by its order dated 20.02.2020 till the next date.

3. Such an order passed by the learned Judicial Magistrate, First Class is absolutely illegal and perverse and cannot be sustained on any premise whatsoever. In view thereof, the said order is quashed and set aside.

4. The petition is disposed off.

5. Parties to act on the basis of the authenticated copy of this order.

NUTAN D. SARDESSAI, J.

MF/-