

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION NO. 287 OF 2019
IN
STAMP NUMBER MAIN NO. 3851 OF 2019

BAPTISTA M. VAZ, PRESENTLY SERVING
AT CENTRAL COLVALE JAIL., ... Applicant

Versus

MADHUKUAR V. DESSAI AND ANR., ... Respondents

Shri T. George John, Advocate for the applicant.

Shri Pranay A Kamat, Advocate for the respondent no.1.

Shri Gaurish Nagvenkar, Additional Public Prosecutor for the
respondent No.2.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 23rd January, 2020

P.C.:

Heard Shri T. George John, learned Advocate for the
applicant.

2. Shri T. George John, learned Advocate submitted that the
applicant was mainly constrained to file the revision after a lapse
of more than 9 months on account of his medical condition. On
that premise alone it was a fit case to condone the delay to file
the revision application.

3. Shri P. Kamat, learned Advocate strongly opposed the

application on the premise that the applicant was convicted by a reasoned order passed by the learned JMFC and upheld in appeal by the learned Additional Sessions Court and the respondent would suffer irreparable loss in case the delay is condoned and therefore the application had to be dismissed.

4. No doubt the applicant had been convicted by the learned JMFC and which sentence has been upheld by the learned Sessions Judge, Margao vide its Judgment dated 05/03/2019. Admittedly, the revision application has been filed beyond the period of 9 months but it is primarily on account of the medical condition of the applicant. Giving due weightage to that aspect of the matter, i find it a fit case to allow the application.

5. The application is allowed. The Registry to register to revision application.

NUTAN D. SARDESSAI, J.

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