

Meena

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO. 13 OF 2020
WITH
CRIMINAL MISC. APPLICATION NO.46 OF 2020
IN
CRIMINAL WRIT PETITION NO. 13 OF 2020

SHASHIKANT CHIMULKAR ...Petitioner

VS

SANJANA USAPKAR ...Respondent

Mr. Nikhil Pai, Advocate *for the petitioner.*

Mr. A.D. Bhobe with Ms. Annelise Fernandes,
Advocates *for the respondent.*

CORAM: MANISH PITALE, J

DATED: 30th November, 2021

P.C.

1. By this Writ Petition, the petitioner has challenged order dated 12/12/2019, passed by the Deputy Collector and S.D.O. Bicholim in a proceeding initiated under 145 of the Code of Criminal Procedure (Cr.P.C.).
2. The petitioner is aggrieved by the impugned order, which allowed an application for amendment filed by the respondent. It is

stated that the consequence of the application being allowed is that the entire stand taken by the respondent is materially changed, to the detriment of the petitioner before this Court. Serious prejudice is caused to the petitioner by the amendment being allowed, particularly when number of witnesses of the petitioner have been already examined. The learned Counsel appearing for the petitioner emphasized that the impugned order incorrectly records that the amendment application was moved on behalf of the respondent before cross-examination of the petitioner and his witnesses.

3. On the other hand, the learned Counsel appearing for the respondent submitted that the amendment granted by the impugned order merely changes the claim of the respondent to the effect that receipts of alleged payments made to the petitioner were signed by the son of the petitioner and not the petitioner himself. It is not disputed that when the amendment application was moved, the evidence of the petitioner and his witnesses was already recorded.

4. A perusal of the impugned order shows that the application for amendment has been allowed and the effect of the same is that the stand taken by the respondent appears to have materially changed.

It is also an undisputed position that the impugned order wrongly records that the amendment application was moved before the cross-examination of the petitioner and his witnesses.

5. This Court is of the opinion that the proceedings under Section 145 of the Cr.P.C. need to be undertaken in an expeditious manner, keeping in mind the object of the said provision. In the present case, the manner in which the proceedings are being undertaken before the Deputy Collector and S.D.O., it appears as if they are civil proceedings. Although the amendment appears to have been allowed on a factually incorrect premise that the petitioner and his witnesses were yet to be cross-examined when the application for amendment was moved, this Court is of the opinion that considering the nature of the proceedings under Section 145 of the Cr.P.C., if a direction is given for expediting the proceedings and an appropriate direction is given for taking care of the prejudice that might be caused to the petitioner, it should meet the ends of justice.

6. In view of the above, the Writ Petition is disposed of by permitting the petitioner to amend his written statement before the Deputy Collector and S.D.O. in the pending proceedings, in the light of the amendment allowed by the impugned order. In the light of

such amended written statement that may be filed on behalf of the petitioner, an opportunity shall be granted by the said Authority to the petitioner and his witnesses to lead evidence in the light of such amended written statement.

7. The amendment be carried out by the petitioner in his written statement within two weeks from today. Thereafter, further proceedings shall be undertaken before the Deputy Collector and S.D.O. in an expeditious manner and the same shall be disposed of, in any case, within a period of 8 weeks from today.

8. Needless to say, the interim order granted by this Court stands vacated. Pending applications, if any, stand disposed of.

MANISH PITALE, J.