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**IN THE HIGH COURT OF BOMBAY AT GOA**

**CRIMINAL APPEAL NO.8/2022**

DEVA BISWAS, PRESENTLY LODGED  
IN CENTRAL JAIL, COLVALE THR.  
NEXT FRIEND FRANCIS BARRETO ... APPELLANT

*Versus*

STATE OF GOA, THR. POLICE  
INSPECTOR.  
...RESPONDENTS

**Ms. Barbara Andrade & Mr. Shivan Desai, Advocates under  
Legal Aid Scheme for the Appellant.**  
**Mr. Nikhil Vaze, Additional Public Prosecutor for the  
Respondent.**

**CORAM: M. S. SONAK &  
R. N. LADDHA, JJ.**

**DATED: 13<sup>th</sup> April 2022**

**P.C. :**

1. Heard Ms. Barbara Andrade as well as Mr. Shivan Desai, learned Advocates under Legal Aid Scheme for the appellant and Mr. Nikhil Vaze, learned Additional Public Prosecutor for the respondent-State.

2. We have concluded the arguments and we are satisfied that the impugned judgment and order dated 30.11.2017, convicting

and sentencing the appellant, is required to be set aside by giving the appellant the benefit of the doubt. Accordingly, for reasons to follow, we set aside the impugned conviction and the sentence in Sessions Case (302) No.44/2015 and direct that the appellant be set at liberty, if not required, in any other case.

3. The Registry to act on this order and take the necessary steps.

4. We thank Ms. Andrade as well as Mr. Shivan Desai, who assisted the appellant in this matter. So also, we appreciate the reasonable approach of the learned Additional Public Prosecutor.

**R. N. LADDHA, J.**

**M. S. SONAK, J.**

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