

CRIMINAL WRIT PETITION NO. 118 OF 2022

KRISHNA SAVLO NAIK ... PETITIONER
 VS
 STATE OF GOA THR. PUBLIC
 PROSECUTOR AND ANR. ... RESPONDENTS

Mr. Tanmai Gawas, Advocate for the Petitioner.
Mr. Pravin Faldessai, Additional Public Prosecutor for the Respondents.

CORAM: G.S. KULKARNI, J.

DATED: 13 DECEMBER 2022

P.C.:

1. Heard Mr. Gawas, learned Counsel for the petitioner and Mr. Faldessai, learned Additional Public Prosecutor for the respondents. An order dated 22 August 2022, passed by the learned Judicial Magistrate First Class, Mapusa, impugned in this Petition, directs that the cross examination of PW-3 would stand closed. The said order reads thus:

“CW-4 stated after the order passed, his evidence be recorded as this is the 3rd time he is present before the Court. Hence his evidence to be recorded today.”

2. After hearing the learned Counsel for the parties and considering the contentions as raised and more particularly, considering that the Advocate appearing for the petitioner was in personal difficulty, the impugned order would be harsh. In my opinion, it would be appropriate that an opportunity is granted to the petitioner to cross examine PW-3. The impugned order is accordingly set aside. The learned trial Judge is directed to recall PW-3 and be permitted to be cross examined by the petitioner on a convenient date as may be ordered by the learned trial Judge. This shall, however, be subject to the petitioner depositing costs of Rs.2,500/- with District Legal Services Authority. The proof of which be verified by the learned trial Judge.

3. All contentions of all parties are expressly kept open.

4. Disposed of.

G.S. KULKARNI, J.