

Vinita

**IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.152 OF 2023**

RASHIDA REGINA RODRIGUES ... Petitioner.
VS
ANIL GANGU KURTTIKAR AND 2 ORS. ...Respondents.

Mr. J. Rodricks, Advocate for the Petitioner.
Mr. P. Faldessai, Addl. Public Prosecutor for State.

**CORAM: M. S. KARNIK, J
DATED: 16th MARCH 2023**

P.C.

1. Heard learned Counsel for petitioner. By this petition filed under Article 227 of the Constitution of India, the petitioner seeks quashing and setting aside the judgment and order dated 27.2.2023 passed by the learned Judicial Magistrate, First Class, Panaji.
2. It is the submission of the learned counsel for the petitioner that in the course of the accident which took place on 4.8.2016, based on the private complaint filed by the complainant, the petitioner was made an accused and had to face trial.
3. The learned Counsel for the petitioner submitted that Section 313 statement of the petitioner has been recorded. It is his submission that as section 313 statement has been recorded, the petitioner is entitled to an acquittal. I am not inclined to accept this

submission of the learned Counsel for the petitioner having regard to the express mandate and object of Section 313 of the Cr.P.C.

4. My attention is then invited to the roznama dated 27.2.2023 which reads thus:-

Called out today. APP J. Rodrigues present for State. Accused present along with Adv. J. Rodrigues. Exh.A-34. Judgment pronounced. Accused stands convicted. Adv. For accused seek time for argument on point of sentence. Matter fixed for point of sentence at 10.00 a.m.

5. Learned Counsel for the petitioner submitted that though roznama records that the judgment is pronounced, a copy of the same has not been made available to him. The matter is now kept on 20.3.2023 for argument on the point of sentence.

6. From the roznama, it appears that the judgment has been pronounced. It is the Advocate for the accused who had sought time for arguments on the point of sentence.

7. In my opinion, considering the nature of the challenge, all the contentions raised in the Writ Petition can be kept open to be taken up after the trial is concluded. The trial is at the stage of arguments

on the point of sentence. Keeping the contentions raised in the present petition open, except the one referred to above in respect of the submission as regards Section 313 statement, the petition is disposed of. I am not inclined to entertain the petition, having regard to the stage at which the trial is. Keeping the liberty of the petitioner open to raise the contentions at the appropriate stage after the trial is concluded, petition is disposed of.

M. S. KARNIK J.

VINITA VIKAS NAIK Digitally signed by VINITA VIKAS NAIK
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