

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO.88 OF 2023

FREDDY INNAS BARBOS

... PETITIONER

Versus

THE STATE OF GOA THR. THE OFFICE
OF THE LD. PUBLIC PROSECUTOR

... RESPONDENT

Ms Varsha Mishra and Ms Ekta Naik, Advocates for the Petitioner.
Mr S. G. Bhobe, Public Prosecutor for the Respondent.

**CORAM:- M. S. SONAK &
BHARAT P. DESHPANDE, JJ.**

DATED :- 11th September, 2023

P.C.:

Heard Ms V. Mishra, learned counsel for the Petitioner and Mr
S. G. Bhobe, learned Public Prosecutor for the Respondent.

2. By Order dated 31.03.2023 the Petitioner's application for discharge came to be rejected. The Petitioner instead of challenging this order has instituted the present petition for quashing of the F.I.R. and the criminal proceedings launched in pursuance of such F.I.R.

3. Although we do not say that such a petition is not maintainable in every case considering the fact that arguments were advanced before framing of the charge and the application for discharge has been rejected, it would be appropriate in the facts of the present case to

relegate the Petitioner to the usual remedy of instituting a revision to challenge the rejection of discharge order dated 31.03.2023.

4. Ms Mishra relied upon the decision of the learned Single Judge of this Court in Manohar Singh Dasauni Vs State of Goa (Criminal Writ Petition No.483 of 2023 (Filing). In the said case also, the order by which discharge was not allowed was challenged.

5. Accordingly, by granting the Petitioner liberty to challenge the order dated 31.03.2023, we dispose of this petition. We note that this petition was filed on 13.05.2023 i.e. within the period of limitation prescribed for instituting a revision against the order dated 31.03.2023.

6. With the above liberty, this petition is disposed of.

BHARAT P. DESHPANDE, J.

M. S. SONAK, J.

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