

Santosh

**IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 359 OF 2022**

NARAYAN A CHIMULKAR

46 years of age, son of Atmaram
Chimulkar, Resident of House No.1502/5,
Housing Board Colony, Madel, Tivim,
Goa.

.... Petitioner.

Versus

(1) State of Goa, through its Chief
Secretary, Secretariat, Porvorim, Goa.

(2) The Director General of Police
(Goa),
Office of the Director General of Police,
Police Head Quarters, Panaji, Goa.

(3) The Inspector General of Police,
Police Head Quarters, Panaji, Goa.

.... Respondents

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

**Mr D.J. Pangam, Advocate General with Mr Shubham
Priolkar, Addl. Govt. Advocate for the Respondents.**

**CORAM : S.V. GANGAPURWALA, ACJ &
M.S. SONAK, J.**

DATE : 21ST FEBRUARY 2023

ORAL JUDGMENT : (Per S. V. Gangapurwala, ACJ).

1. Heard the learned Counsel for the Petitioner.

2. The learned Advocate General submits that in fact, the Petitioner herein had filed an appeal against the charge-sheet before Respondent No.3. Respondent No.3, without jurisdiction, allowed the same. In view of that, Respondent No.2 invoked its suo motu revisional powers.

3. The fact remains that the order passed by Respondent No.2 is without notice and without hearing the Petitioner. The same would be in gross violation of the principles of natural justice.

4. The learned Advocate General submits that Respondent No.2 would issue notice to the Petitioner and pass orders afresh, on its own merits.

5. In the light of that, the impugned order passed by Respondent No.2 is set aside. Respondent No.2 may issue a fresh notice to the Petitioner and after hearing the Petitioner, pass orders afresh, on its own merits. All contentions of the respective parties are kept open.

6. Rule is made absolute in the above terms. No costs.

(M.S. SONAK, J.)

(ACTING CHIEF JUSTICE)