

Vinita

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO.109 OF 2023

MICHAEL PINTO	Applicant.
VS	
STATE OF GOA THR. POLICE INSPECTOR	
AND ANR.	Respondents.

Mr. Moses Pinto Advocate for the applicant.
Mr. S. G. Bhobe, Public Prosecutor for the respondents.

CORAM: PRAKASH D NAIK, J

DATED: 6th November 2023

P.C.:

1. The petitioner has challenged the order dated 28.6.2023 passed by the learned Judicial Magistrate First Class “D” Court Margao below Exh. D-4 rejecting the application for discharge and ordering that the charge be framed under Sections 504 and 509 of IPC. Learned Public Prosecutor submitted that impugned order is revisable and the petitioner is not precluded from resorting to the revisional remedy before the Sessions Court.

2. Learned counsel for the petitioner submitted that petitioner had earlier moved before this Court challenging the previous orders passed by the trial Court and the Sessions Court. This Court vide order dated 23.2.2023 set aside the impugned orders and remanded the matter back to the trial Court for fresh consideration. Hence petitioner has invoked writ jurisdiction of this Court under Article

227 of the constitution of India and inherent powers under Section 482 of the Cr.P.C. It is pertinent to note that earlier order of the learned Magistrate was challenged before the Sessions Court and thereafter he had preferred Criminal Writ Petition No.114/2020 which was disposed of vide order dated 23.2.2023. Revision application can be filed against impugned order and there is no impediment in moving the application before the Sessions Court.

3. Writ Petition is disposed off with liberty to the petitioner to prefer revision application before the Sessions Court challenging the order date 28.6.2023. In the event of any delay in preferring the revision application, learned Judge shall take into consideration the fact that the petitioner had moved petition before this Court, application for condonation of delay be considered sympathetically.

4. Petition stands disposed of.

PRAKASH D NAIK, J.

VINITA VIKAS
NAIK

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