

2.30 p.m.

Case Adjourn for: APPEARANCE”

2. The grievance made by the Petitioner in the present Petition is that by calling for the Records and Proceedings before the Magistrate [who had issued the process] have been stalled without granting any interim relief in the Revision Application pending before the Sessions Judge. The learned Counsel submitted that not only is this impermissible but is delaying the matter indefinitely.

3. In this regard, the learned Counsel for the Petitioner brought to my attention the Order passed by this Court on 08.02.2022, (*Manish Pitale, J.*) in Criminal Writ Petition No. 4 of 2022. The learned Counsel submitted that the very same Petitioner filed the said Criminal Writ Petition No. 4 of 2022 against Accused No. 2 (who is the wife of Accused No.1 herein) on identical grounds as set out in the present Writ Petition. In that case also, the process was issued by the Chief Judicial Magistrate and the same was challenged by Accused No.2 before the Sessions Judge by filing a Criminal Revision Application No. 44 of 2021. In the said Criminal Revision Application No. 44 of 2021, the Sessions Judge had called for the Records and Proceedings thereby stalling the entire proceedings before the Chief Judicial Magistrate. The learned Counsel submitted that this Court, in such circumstances, directed that Criminal Revision Application No. 44 of 2021 be expeditiously decided and

that the said Court should not insist upon calling for the Records and Proceedings. The learned Counsel submitted that identical directions can be passed in the present matter aswell.

4. The learned Counsel appearing on behalf of the Respondent No.1 fairly stated that the directions sought for by the Petitioner cannot seriously be objected to as it is his Criminal Revision Application, of which the Petition seeks an expeditious disposal.

5. In this view of the matter, the above Criminal Writ Petition is disposed of by directing the Additional Sessions Judge-II (FTC) at Panaji, Goa, to dispose of Criminal Revision Application No. 60 of 2022 as expeditiously as possible and, in any case, on or before 30.04.2023. The said Court shall proceed to consider the Revision Application expeditiously and it shall be ensured that the same shall be disposed of on or before 30.04.2023.

6. It is made clear that the said Court shall not insist on calling for the Records and Proceedings. The Petitioner shall place on record of the aforesaid Court, photo copies of all the relevant documents concerning the proceedings pending before the Magistrate. Respondent no. 1 (Accused No.1) would also be at liberty to place on record copies of documents to assist the aforesaid Court

in disposing of the Revision Application within the time as mentioned above.

7. With these observations, the Writ Petition is disposed of. However, there shall be no order as to costs.

8. It is made clear that if the Records and Proceedings of the Court of the Magistrate are already received by the said Court, it shall be sent back forthwith.

9. This Order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

B. P. COLABAWALLA, J

ANDREZA PEREIRA Digitally signed by ANDREZA PEREIRA
Date: 2023.02.21 11:18:00 +05'30'