

Esha

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 114 OF 2022

Shri Michael Pinto, Aged: 71 years
old, H. No. 507, Rajendra Prasad
Road, Calcondem, Margao, South
Goa, Goa.

... Petitioner

Versus

1) State of Goa, Through Police
Inspector, Maina Curtorim Police
Station, Manora, Raia, Goa 403 720.

2) Public Prosecutor, High Court
of Bombay at Goa, having office at
Porvorim, Bardez, Goa.

... Respondents

Mr. Moses Pinto, Advocate for the Petitioner.

Mr. S.G. Bhobe, Public Prosecutor for the Respondents.

CORAM: B.P. COLABAWALLA, J.

DATED: 23rd FEBRUARY 2023

ORAL JUDGMENT:

1. Rule. With the consent of Parties, Rule made returnable
forthwith and heard finally.

2. I have heard the learned Advocate appearing on behalf of
the Petitioner as well as Mr. Bhobe, the learned Public Prosecutor
appearing for the State.

3. On going through the record, I find that the Trial Court as well as the Revisional Court have completely overlooked the fact that the mobile devices of the Victim as well as the Accused have not been attached and this aspect would have a serious bearing on the issue of framing of charge against the Accused.

4. In these circumstances, I think it would be in the interest of justice that both these orders are set aside and the matter is remanded back to the Trial Court to decide the issue of framing of charge afresh.

5. Accordingly Rule is made absolute in the aforesaid terms and the above Petition is disposed of in terms thereof. The Trial Court is requested to hear the arguments before framing the charge and pass orders thereon within a period of eight weeks from today.

6. 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.

Page 2 of 2

23rd February 2023