

Santosh

**IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO.7 OF 2024**

ARVIND KEJRIWAL.

..... Petitioner.

Versus

STATE OF GOA THR. OFFICE OF
THE COLLECTOR & DISTRICT
ELECTION OFFICER NORTH
GOA AND ANOTHER.

.... Respondents.

Mr S.S. Kantak, Senior Advocate with Mr Shivraj Gaonkar, and Mr Preetam Talaulikar, Bhavook Chautar, Mohd. Irshad, and Ms Neha Kholkar, Advocates for the Petitioner.

Mr Praveen Faldessai, Addl. Public Prosecutor for the Respondents.

**CORAM : M. S. SONAK &
VALMIKI SA MENEZES, JJ.**

DATED : 6th February 2024.

P.C.:

1. Heard Mr S.S. Kantak, learned Senior Advocate who appears along with Mr Shivraj Gaonkar for the Petitioner and Mr Praveen Faldessai, learned Addl. Public Prosecutor for the State.
2. After this matter was argued for some time, the learned Addl. Public Prosecutor, in deference to the decision of the Hon'ble Supreme Court in the case of *Mehmood Ul Rehman vs. Khazir Mohammad Tunda and ors.* (2015) 12 SCC 420 agrees that the impugned order dated 19/9/2022, taking cognizance and issuing summons to the Petitioner, can be set aside and the matter remitted

to the Judicial Magistrate, First Class, 'A' Court at Mapusa taking up Criminal Case No.33/S/2018/E/A to consider the complaint in accordance with law and on its own merits.

3. Accordingly, the impugned order dated 19/9/2022 is set aside and the matter is remitted to the learned Judicial Magistrate First Class, 'A' Court at Mapusa Goa for fresh consideration and further action, if required to be taken in accordance with law.

4. The Petition is disposed of in the above terms, without any order for costs.

5. The learned Addl. Public Prosecutor states that an authenticated copy of this order will be placed before the learned Magistrate for compliance.

6. All concerned to act on an authenticated copy of this order.

VALMIKI SA MENEZES, J.

M. S. SONAK, J.

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