



Shakuntala

**IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO.65 OF 2023**

RESHMA NAYAK

.....PETITIONER

VERSUS

STATE OF GOA THR.

CHIEF SECRETARY AND ANR.

....RESPONDENTS

Mr. Preetam Talaulikar, Advocate for the Petitioner.

**CORAM:- BHARAT P. DESHPANDE, J.
DATED :- 09th July, 2024**

P.C.

1. Heard Mr. Talaulikar learned counsel for the Petitioner.
2. The challenge in the present proceedings is to the order passed by the learned Trial Court dated 13.07.2022 by which the Trial Court allowed the application for re-framing of charge filed by the Petitioner thereby dropping the Section 34 of I.P.C.
3. Mr. Talaulikar now submits that perusal of the entire complaint would go to show that there was no role attributed to the Petitioner with regard to the entire incident and she arrived at the scene subsequently when the police came at the spot. He submits that the Petitioner being Government Servant has to face the proceedings since there is nothing against her in the entire charge sheet.

4. Mr. Talaulikar would then submit that though the matter is of the year 2015, evidence is still going on before the Trial Court and the matter is taken up at the regular intervals, however, without considering it to be disposed of as early as possible.

5. Admittedly, the application for re-framing of the charge was filed on 11.12.2021 on the ground that Section 34 of I.P.C was earlier dropped, the charge is required to be framed only against other Accused persons. Though the order was passed on 13.07.2022, the charges were already framed on 12.12.2022. Even the trial progressed. Mr. Talaulikar now submits that since the matter is of the year 2015, the learned Trial Court be directed to dispose of such proceedings as expeditious as possible.

6. Considering that the fact that the charges were already framed against all the accused person and subsequently, re-framed vide order dated 13.07.2022 and infact some of the witnesses are already examined, it would be expedient to direct the Trial Court to decide the said matter as early as possible and preferably within a period of 6 months from the date of receipt of this order.

7. The question which is raised in the present petition that there is no material against the present Petitioner, is left open to be decided during the trial. Accordingly, petition stands disposed of with direction to the learned Trial Court to decide the said case

bearing Criminal Case No.6/S/2015/D, preferably within period of 6 months from the date of receipt of this Court.

8. Proceedings closed.

BHARAT P. DESHPANDE, J.