Andreza

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO.66 OF 2024

ANIL HOBLE ... PETITIONER
Versus
SAGAR VITHAL GAIKWAD AND 2 ORS ... RESPONDENT

Mr. Parikshit Sawant, Advocate for the Petitioner.
Ms. Swati Kamat Wagh, Additional Public Prosecutor, for the Respondent no.3-State.

CORAM:- ASHWIN D. BHOBE, J.

DATED :- 19th October, 2026

P.C.

1. Heard Mr. Sawant, learned Counsel appearing for the Petitioner and Ms. Swati Kamat Wagh, learned Additional Public Prosecutor appearing for the Respondent no.3-State.

2. By this application filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, the Applicant has sought the following reliefs :

"(a) This Hon'ble Court may be pleased to quash and set aside the impugned Order dated 16.03.2022 passed by the learned Chief Judicial Magistrate, First Class at Panaji Goa, in Case no. OA/476/2017.

(b) This Hon'ble Court may be pleased to allow application dated 16.03.2022 filed by the Petitioner and direct the Chief Judicial Magistrate First Class at Panaji Goa to issue proclamation against the Respondent No. 1 ?"

3. Mr. Sawant, learned Counsel for the Petitioner submits that during the pendency of this Petition, the Petitioner has passed away. He states that appropriate application would be made before the Court of Magistrate, to substitute the Petitioner.

4. Perusal of the records indicate that the application at Exhibit 47 filed by the Petitioner in Case no. OA/476/2017/A, seeking issuance of proclamation under Section 82 of Cr.P.C., was rejected by the Magistrate. Order dated 16.03.2022, reads thus :

"Considering the requests submitted in respect of warrants earlier issued, no purpose shall be served by asking fresh NBW. Hence application is rejected."

5. Mr. Sawant submits that prior to the application at exhibit 47, the Petitioner had not filed any application requesting issuance of proclamation under Section 82 of Cr.PC. He however submits that after substitution of the complainant in Case No.OA/476/2017/A, the Complainant will file an appropriate application requesting

issuance of summons, NBW or issuance of proclamation. He seeks leave to withdraw this Petition.

6. Ms. Swati Kamat Wagh, learned Additional Public Prosecutor, submits that if the Petitioner had not made any similar application prior to filing of Exhibit 47, then the Petitioner is always at liberty to file a fresh application placing all the facts before the Magistrate and seeking appropriate relief.

7. In view of the statement made by Mr. Sawant, learned Advocate for the Petitioner, leave is granted to withdraw this Petition. Upon substitution of the deceased Petitioner, liberty to file an appropriate application in Case no. OA/476/2017/A, on issuance of summons or NBW or proclamation, as the case may be. If such application is filed, same be considered on its own merits and in accordance with law.

8. Criminal Writ Petition No. 66 of 2024 is disposed of in the above terms.

ASHWIN D. BHOBE, J.

Signed by: ANDREZA PEREIRA
Designation: Senior Private Secretary
to the Hon'ble Judge
Date: 19/10/2026 18:27:06