
(2009) 02 BOM CK 0008
In the Bombay High Court
Case No : Criminal Appeal No. 19 of 2009

State of Goa

APPELLANT

Vs

Shri Santosh Bhagat

RESPONDENT

Date of Decision : 17-02-2009

Acts Referred:

Citation : (2009) 02 BOM CK 0008

Hon'ble Judges : N.A. Britto, J

Bench : Single Bench

Advocate : Winnie Coutinho, P.P, for the Appellant; S.G. Bhobe, for the Respondent

Judgement

N.A. Britto, J.—It is necessary to briefly mention the reasons for condonation of delay of 121 days. Learned Counsel on behalf of the accused points out that the file was kept pending on the table of the Director of Prosecution for over a month between 20-8-2008 to 23-9-2008 and thereafter with the Public Prosecutor from 5-11-2008 till the date the application was filed i.e. on 1-12-2008. Since the Legislature has prescribed time limits to prefer applications for leave to appeal the State is expected to devise such procedures which would be completed within the prescribed time. One fails to understand as to why after an appeal is recommended by the Officer conducting the prosecution and then it is approved by the Director of Prosecution i.e. two Legal Officers of the State and thereafter by the Special Secretary(Home), under whom they work, the file has to go to the Secretary(Law) and then again back to the Secretary(Home). Even if it is required to be sent to the Secretary(Law), after the approval of the Secretary(Home) then the same can directly be routed and sent to the Officer who would be filing the application for leave to appeal before this Court. That there has been procedural delay is an explanation which cannot be blindly accepted in each and every case. Earlier, this Court had directed the Law Secretary to streamline the procedures in preferring appeals/leave to appeal so that the same are filed within time but nothing appears to have been done in

that regard. In the circumstances of the case the delay is condoned but subject to the payment of costs of Rs.5000/-to be deposited by the State within a period of four weeks.