

Santosh

**IN THE HIGH COURT OF BOMBAY AT GOA**  
**LD-VC-CRI-38-2020**

Michael Okafor. .... Petitioner.

Versus

State and another. .... Respondents.

Mr. Raju Poulekar, Advocate for the Petitioner.

Mr. D. J. Pangam, Advocate General with Mr. Gaurish Nagvenkar,  
Additional Public Prosecutor for the Respondents.

Mr. Shailendra Bhobe, Amicus Curiae.

**Coram : M.S. Sonak &**  
**Smt. M.S. Jawalkar, JJ.**

**Date : 2<sup>nd</sup> November, 2020.**

**P.C. :-**

Heard Mr. Poulekar for the Petitioner. Mr. D. Pangam,  
learned Advocate General appears for the Respondents along with  
Mr. Nagvekar, the learned Additional Public Prosecutor.

2. Mr. Shailendra Bhobe, learned Amicus Curiae also appears  
in this matter.

3. Prayer clauses (a) and (b) in this Petition, read as follows :

*“(a) That a writ of mandamus or writ in the nature of  
mandamus directing that the Police Officer of Saligao  
Police Station to procure the chemical analysis report in  
Criminal Case No.22/2020 pending before the Ld. Addl.  
Sessions Court at Mapusa expeditiously.*

*(b) That a writ of mandamus or a Writ in the nature of Mandamus be issued directing Criminal Case No: NDPS/22/2020 pending before the Ld.Addl. Sessions Judge at Mapusa be completed expeditiously.”*

4. In so far as prayer clause (a) is concerned, Mr. Nagvenkar, the learned Additional Public Prosecution, on instructions, makes a statement that the Chemical Analysis report from Hyderabad is ready. He states that the report will be procured shortly and, in any case, within a maximum period of 15 days from today.

5. Accordingly, we direct the concerned Respondent to procure the Chemical Analysis report in NDPS Case No.22/2020 as expeditiously as possible and in any case, within a maximum period of 15 days from today. This, according to us, redresses the grievance in so far as prayer clause (a) of this Petition is concerned.

6. So far as prayer clause (b) is concerned, we again direct the concerned Additional Sessions Judge with whom the NDPS Case No.22/2020 is pending, to dispose of the same as expeditiously as possible. Both, the Petitioner, as well as the Prosecution must cooperate with the learned Additional Sessions Judge in disposing of this matter, expeditiously. This, according to us, takes care of the relief in terms of prayer clause (b) of this Petition.

7. Now that the Chemical Analysis report is to be filed before the learned Additional Sessions Judge within a period a maximum

period of 15 days from today, the Petitioner will be in a position to avail of the liberty reserved in his favour in the order dated 23<sup>rd</sup> July, 2020 made in LD-VC-BA-07-2020 and LD-VC-BA-08-2020.

8. Mr. Pangam, the learned Advocate General submits that in pursuance of our earlier directions, the statistics regards pending matters, will be provided by the Director of Prosecution, however, in so far as the matters which are pending investigation, the statistics will be provided by the Police Department, by filing appropriate affidavits in this matter.

9. The matter is now posted to 02/12/2020 in the context of prayer clauses (c) and (d) of this Petition.

10. The learned Amicus Curiae points out that PIL Suo Motu Writ Petition No.1/2020, which is posted tomorrow, is also heard along with this matter. Accordingly, we will pass necessary orders in the PIL Suo Motu Writ Petition which is posted tomorrow.

***Smt. M.S. Jawalkar, J.***

***M.S. Sonak, J.***