

Santosh

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

Michael Okafor. Petitioner.

Versus

State and another. Respondents.

Mr. K. Poulekar, Advocate for the Petitioner.

Mr. G. Nagvenkar, Additional Public Prosecutor for the State-
Respondents.

Advocate Mr. Shailendra Bhobe, Amicus Curiae.

**Coram : M.S. Sonak &
Smt. M.S. Jawalkar, JJ.****Date : 2nd December, 2020.****P.C. :-**

Heard Mr. Shailendra Bhobe, the learned Amicus Curiae in this matter, Mr. G. Nagvenkar, the learned Additional Public Prosecutor and Mr. K. Poulekar, the learned Counsel for the Petitioner.

2. In pursuance of our earlier orders, Smt. Poonam Bharne, Public Prosecutor holding charge of the Director of Prosecution, has filed an affidavit in this Court. A copy of such affidavit was furnished to the learned Amicus Curiae only yesterday. Besides, today the learned Advocate General is also not available. Therefore, we post this

matter for further consideration on 14/12/2020.

3. The learned Amicus Curiae has, however, pointed out that the affidavit filed by the Public Prosecutor indicates that there are 29 NDPS cases instituted between the years 2015 to 2018 which are presently pending before the Fast Track Court at Mapusa. He points out that only an Assistant Sessions Judge has been appointed to preside over the Fast Track Court and the Assistant Sessions Judge lacks jurisdiction to take up the 29 pending NDPS cases. He points out that such cases will have to be tried only before a Special Judge or an Additional Sessions Judge.

4. Accordingly, we direct the Registrar (Judicial) of this Court, as well as the Principal District & Sessions Judge, North Goa to look into this issue and inform us on or before 14/12/2020 about the steps taken to sort out this issue, so that there is no further delay in disposal of these 29 NDPS cases.

5. We also request the learned Amicus Curiae, the learned Additional Public Prosecutor and the learned Public Prosecutor, holding charge of the Director of Prosecution, to meet and compile the data placed on record, so that we are in a position to make effective orders in this matter.

6. Mr. Nagvenkar pointed out that the e-tenders for procuring

standard samples are to be considered today and, therefore, by next date, Mr. Waghmare, will be in a position to file a status report on that aspect, as well. Mr. Waghmare is directed to file such status report now that the affidavit placed on record indicates that there are some cases which are unable to proceed on account of forensic reports not being received from the concerned laboratories.

7. We place this matter for further consideration on 14/12/2020, on which date we are informed that the learned Advocate General will also be in a position to appear.

Smt. M.S. Jawalkar, J.

M.S. Sonak, J.