

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CRI NO. 33 OF 2020

Mr. Yaniv Benalm alias Atala

..... Appellant

V e r s u s

State & anr.

..... Respondents

Mr. Salil Saudagar, Advocate for the Appellant.

Mr. Pravin Faldessai, Additional Public Prosecutor for the State-Respondent.

Coram :- M. S. SONAK &
M. S. JAWALKAR, JJ.

Date : 7th September, 2020

P.C.

1. Heard Mr. Saudagar, the learned Counsel for the Petitioner and Mr. Pravin Faldessai, learned Additional Public Prosecutor for the State.

2. Mr. Saudagar, the learned Counsel, pointed out that the petitioner has been served with a warrant dated 02.09.2020 under Section 309 of Cr.P.C. and, therefore, agrees that the release of the petitioner from detention at this stage cannot be insisted. He, however, submits that the detention of the

petitioner prior to the service of such warrant, is not in accordance with law and, therefore, liberty may be granted to the petitioner to pursue the issue of payment of compensation before the appropriate forum including the forum where the petitioner will seek bail.

3. Mr. Faldessai, learned Additional Public Prosecutor, submits that there was nothing illegal about the detention of the petitioner and, therefore, there is no case made out for seeking any compensation.

4. According to us, now that the warrant dated 02.09.2020 has been issued and served upon the petitioner, the issue of his release from detention for the present, cannot be gone into in the present petition. Insofar as the issue of compensation or for that matter the issue of any other remedies which the petitioner may have with respect to not, only his detention in pursuance of the warrant dated 02.09.2020 but even prior to the same, liberty is granted to the petitioner to pursue the same in accordance with law. No doubt, this liberty is granted by keeping open all the contentions of the parties on such issues.

5. Therefore, with liberty as aforesaid, we dispose off this petition.
6. There shall be no order as to costs.
7. All concerned to act on the basis of an authenticated copy of this order.

M. S. JAWALKAR

M. S. SONAK, J.

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