

IN THE HIGH COURT OF BOMBAY AT GOA**LD-VC-CRI-51 & 55-2020****LD-VC-CRI-51-2020**

Ms X ... Petitioner

Versus

State of Goa & Anr. ... Respondents

Shri Ryan Menezes with Ms. Gina Maria Almeida and Shri Nigel Fernandes, Advocates for the Petitioner.

Shri S.D. Lotlikar, Special Public Prosecutor with Shri Francisco Tavora, Special Public Prosecutor for the Respondent No.1.

Shri Ankur Chawla and Shri V.A. Lawande, Advocate for the Respondent No.2.

AND**LD-VC-CRI-55-2020**

State of Goa ... Petitioner

Versus

Tarunji Tejpal ... Respondent

Shri S.D. Lotlikar, Special Public Prosecutor with Shri Francisco Tavora, Special Public Prosecutor for the Petitioner.

Shri Ankur Chawla and Shri V.A. Lawande, Advocate for the Respondent.

Coram:- DAMA SESHADRI NAIDU, J.**Date:- 2 NOVEMBER 2020****ORAL ORDER :**

In this case, the Supreme Court fixed a time frame for the trial Court to dispose of the case. But the victim woman could not come down from Delhi to subject herself to cross-examination before the trial Court. She wanted the time extended. Besides that, she also wanted the trial

Court to examine other witnesses before it could examine the victim herself.

2. As the trial Court had been under the directions of the Supreme Court, it was inclined to accede to the victim's request. Under these circumstances, both the State and the victim have filed these petitions.

3. Pending the petitions, the State approached the Supreme Court and had the time extended: until the end of March 2021. In the light of this development, the petitions before this Court, strictly speaking, do not survive. Nevertheless, the parties on either side to the dispute have now come up with "Minutes of the Order", that is, they have had a consensual arrangement about how both the prosecution and the victim should proceed with the trial before the trial Court. Those "Minutes of the Order" read as under :

1. The Court of the Hon. Additional Sessions Judge, Mapusa, Goa ("Trial Court") shall proceed with the trial in Sessions Case No. 10/2014 before it, in accordance with the schedule for the examination of witnesses submitted by the prosecution, with such adjustments and accommodation, as shall be necessitated by the prevailing COVID-19 pandemic, to ensure the smooth and expeditious conclusion of the trial and disposal of Sessions Case No. 10/2014.

2. The parties shall co-operate with the Court of the Hon. Additional Sessions Judge, Mapusa, Goa ("Trial Court") for the expeditious disposal of Sessions Case No. 10/2014 and by the date of 31/03/2021 in terms of the directions of the Hon. Supreme Court of India.

3. The Petitioner ("the Victim"), and her husband, who is named as prosecution witness CW-23, in the chargesheet filed in Sessions Case No.10/2014 before the Hon. Trial Court, shall travel to Goa on 20/11/2020. The victim shall appear before the Hon. Trial Court on 20/11/2020 at 10:00 a.m. for the purpose of completing the remainder of her cross-examination. CW-23 shall also appear before the Hon. Trial Court on 20/11/2020, instead of 09/11/2020, the date on which he has presently been summoned to appear before it, for the purpose of his deposition.

4. The deposition of CW-23 shall be recorded by the Hon. Trial Court, immediately after the cross-examination of the victim is completed. The cross-examination of the victim and the deposition of CW-23 shall be recorded continuously and on day to day basis and be concluded, as expeditiously as possible.

4. The minutes of the order are self-explanatory. So the trial Court, of course, keeping in view the time frame as now fixed by the Supreme Court, may accommodate either side so long as their requests do not affect the Apex Court's time frame.

With these observations, I dispose of these petitions.

DAMA SESHADRI NAIDU, J.

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