

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CRI NO. 51 OF 2020

Ms. X Petitioner

V e r s u s

State of Goa & anr. Respondents

Mr. Ryan Menezes, Advocate for the Petitioner.

Coram:- DAMA SESHADRI NAIDU J.

Date: 9th September 2020

P.C.

The petitioner is said to be the victim of a rape, and that crime led to Sessions Case No.10 of 2014 before the Additional Sessions Judge, Mapusa. Now the trial is said to be underway. As the petitioner did not appear before the Court to offer herself as a witness despite its directive, the trial Court has issued a bailable warrant to secure the petitioner's presence. The warrant is returnable by tomorrow.

2. Shri Ryan Menezes, the learned Counsel for the petitioner, has moved this Writ Petition out of turn and urged this Court to stay the bailable warrant issued against the petitioner.

3. According to Shri Menezes, the petitioner herself is a victim who lives in Delhi. She points out that recently she had an attack of severe lung infection. Therefore, she does not want to undertake any journey during these days of pandemic. Shri Menezes points out that

the petitioner has already requested the trial Court to examine her through video device. Therefore, he wants the Court to suspend the bailable warrant until this Court hears the matter on the merits, lest the petitioner, a woman, herself a rape victim, should be subjected to arrest and hardship.

4. To my specific query, the petitioner's counsel has informed me that he has already notified the office of the learned Special Public Prosecutor that this Criminal Writ Petition is being moved for an urgent order today.

Under these circumstances, there shall be an interim stay in terms of prayer clause(d). The stay, however, is confined only to the suspension of the warrant. The trial may go on unhindered.

DAMA SESHADRI NAIDU, J.

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