

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

State of Goa

... Petitioner

Versus

Tarunji Tejpal

... Respondent

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

Coram:- DAMA SESHADRI NAIDU, J.**Date:- 21st September 2020****P.C. :**

Shri S.D. Lotlikar, the learned Special Public Prosecutor, seeks leave to amend the cause title. Leave granted.

2. Issue notice to the first respondent, returnable on 05.10.2020.

3. As seen from the record, the trial Court is in a predicament. It has been tasked with completing the trial in this sessions case in a time-frame: by December 2020. And that time-frame was fixed by the Supreme Court. Besides, this Court, too, gave another direction: the trial Court to examine other witnesses in chief given the unavailability of the victim, the principal witness.

4. True, though those witnesses have been examined in chief, their cross-examination has been deferred. It was on the premise that this Court wanted the trial Court first to examine the victim and, later, go for the other witnesses' cross-examination.

5. So we cannot blame the trial Court for the procedure it has adopted and the directions it issued to secure the presence of the petitioner—the victim and principal witness.

6. Nevertheless, the petitioner too, as the learned Special Public Prosecutor points out, has also been facing problems to come down to Goa

from Delhi during the pandemic, as set out in detail in the petition. She has also pleaded that she has been suffering from a respiratory infection and is very prone to any health hazards if she undertakes the journey under these circumstances.

7. Under these circumstances, I pointed out that unless the petitioner approaches the Apex Court and seeks extension of time fixed earlier, there is nothing much either this Court or the trial Court could do. On this count, Shri Lotlikar assures the Court that the State has been making all efforts to approach the Apex Court and get the time frame relaxed or refixed—at the earliest.

8. Under these circumstances, the trial Court will defer any coercive steps vis-a-vis the petitioner for two weeks. In the meanwhile, it is free to explore the option of examining the other witness in cross if both parties agree.

Let the matter be adjourned by two weeks. Meanwhile, the State will expedite its efforts to approach the Apex Court.

DAMA SESHADRI NAIDU, J.

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