

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 80 OF 2018

IN

STAMP NUMBER MAIN NO. 493 OF 2018

SUSHMA C. HEDE AND ANR.,

... Applicants

Versus

**POLICE INSPECTOR, PONDA POLICE
STATION, PONDA AND 2 ORS.,**

... Respondents

Adv. Arun De Sa for the Applicants.
Mr. S. R. Rivankar, P.P for Respondent no.1.
Adv. Nigel Da Costa Frias for Respondent No. 3

Coram:- C. V. BHADANG, J.

Date:- 18th April 2018

P.C.:

This is an application for condonation of delay in filing criminal revision application in challenging the order of discharge.

2. The brief facts are that:

A complaint was lodged by a minor victim girl of molestation by one of the teachers in the school in respect of which a F.I.R no.277/2012 was registered with the P.S. Ponda for the offence punishable under section 354 of I.P.C r/w section 8 of the Goa Children's Act, 2003. It appears that after a charge sheet was filed on investigation in the said crime, the parents of the victim

girl filed a private criminal case before the Children's Court claiming that the complaint against the teacher was obtained by the present applicants, who happen to be the Headmistress and the President of the school under duress. The learned Magistrate recorded the verification of the father of the victim girl, who was the complainant in the private complaint case and issued process in the case against the petitioners again for causing child abuse which is an offence punishable under the the Goa Children's Act. The petitioner challenged the said order of issue of process before this Court in Criminal Writ petition no.112/2017. On 9/1/2018, during the course of the hearing of the said petition, it transpired that the teacher, who was the accused in the State case, being Special Case No.21/2013 was discharged by the learned Children's Court on 25/10/2016. In that view of the matter, the applicants sought leave to withdraw the said petition as they intended to challenge the order dated 25/10/2016 discharging the accused in the said case. After this, the applicants are seeking to challenge the order of discharge in which there is a delay.

3. I have heard Shri De Sa, the learned counsel for the applicants, Shri Rivankar, the learned Public Prosecutor for the respondent no.1 and Shri Costa Frias, the learned counsel appearing for the third respondent.

4. Although the application is filed for condonation of delay of 464 days, it does appear that the applicants came to know of the passing of the order of discharge only during the course of the hearing of the Criminal Writ petition no.112/2017. Computed from the date of knowledge, there would be no delay.

5. Considering the overall circumstances, I find that the applicants have made out sufficient cause for not filing the criminal revision application earlier and the delay deserves to be condoned. In the result, the application is allowed. The delay in filing the criminal revision application is condoned. Let the criminal revision application be registered. The criminal revision application to stand over for admission on 25/4/2018.

C. V. BHADANG, J.

ap/-