

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 64 OF 2018

STATE OF GOA, POLICE INSPECTOR/
INVESTIGATION OFFICER, PANAJI.,

... Petitioner

Versus

AVELINO PINTO.,

... Respondent

Shri S. R. Rivankar, Public Prosecutor for the Petitioner.
Shri Kaif Noorani, Advocate under Legal Aid Scheme for the
Respondent.

Coram:- C. V. BHADANG, J.

Date:- 31st July 2018

ORAL ORDER:

The petitioner-State is challenging the order dated 22.12.2017, passed by the learned Children's Court, closing the prosecution evidence, on account of the absence of the investigating officer, for the purposes of further cross examination.

2. It appears that the trial was fixed on 22.12.2017, for recording further cross examination of the investigating officer and the investigating officer was present before the Court in the morning session, when an application was made on behalf of the respondent-accused, to keep the matter in the afternoon session, on account of the non availability of the Counsel for the respondent. Accordingly, the trial was fixed in the afternoon session, when the investigating officer could not remain present,

as he was pre-occupied with another trial at Margao.

3. Considering the fact that the prosecution evidence is almost over, where the investigating officer has been partly cross examined, I find that in the interest of justice, one opportunity needs to be granted to the prosecution. The learned Public Prosecutor undertakes to keep the investigating officer present before the learned Children's Court on the next date. Hence, the following order is passed:

O R D E R

- (a) The petition is allowed.
- (b) The impugned order dated 22.12.2017, closing the evidence of the prosecution, is hereby set aside.
- (c) The learned Children's Court shall permit further cross examination of the investigating officer, on the date fixed or any other date, to which, the learned Children's Court may adjourn the trial.
- (d) The investigating officer to positively remain present before the learned Children's Court, on the date fixed by the learned Children's Court.
- (e) The petition is disposed of in the aforesaid terms.

C. V. BHADANG, J.