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IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.316 OF 2025

RAJAIYYAN RUSSEL RAJ

... PETITIONER

Versus

A. SURESH S. RAO

... RESPONDENT

Mr. Gaurish Agni with Ms. Ruchika Mishra, Mr. Yash Naik, Mr. Kishan Kavlekar and Mr. Madhav Cuncolienkar, Advocates for the Petitioner.

Mr. Bhargav Khandeparkar, Advocate for the Respondent.

CORAM:- VALMIKI MENEZES, J.

DATED :- 5th August, 2025

P.C.:

1. Registry to waive office objections and register the matter.
2. After hearing this matter for some time, it appears from the observations made in para 20 of the impugned order and the conclusions in the order to issue a show-cause notice to the Petitioner, that the order directing issuance of show-cause notice is based upon prima facie observations of the Court for the limited purpose of concluding that there is a case to issue a show-cause notice.
3. Obviously, in such a case, the Petitioner would have the right to file a reply, and if required, the Trial Court would conduct an inquiry

based on the reply filed by the Petitioner. It is only after considering the reply, and after conducting the inquiry, if required, the Trial Court would take a decision on whether to proceed to take action under Sections 199 and 209 of the IPC after taking a decision on the action to be taken under Section 379 BNSS.

4. In that view of the matter, the order does not call for any interference at this stage. The Trial Court may proceed with taking the reply of the Petitioner on record, and if required, hold an inquiry and then arrive at its conclusions as to whether action in terms of Section 379 BNSS is justified.

5. The petition stands dismissed with the above observations made as to the manner in which the Trial Court may proceed further with the case.

VALMIKI MENEZES, J.