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IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.739 OF 2024

JOHN PHILIP PEREIRA AND ANR

... PETITIONERS

Versus

THE STATE OF GOA, THR. THE LD.
PUBLIC PROSECUTOR AND 7 ORS

... RESPONDENTS

Ms. Fawia Mesquita, Advocate for the Petitioners.

Mr. Geetesh Shetye, Additional Government Advocate for
Respondent Nos.1 and 3.

Mr. Vivek Rodrigues, Advocate for Respondent Nos. 6 and 7.

Mr. Preetam Talaulikar, Advocate for Respondent No. 8.

**CORAM:- BHARATI DANGRE &
NIVEDITA P. MEHTA, JJ.**

DATED :- 23rd July, 2025

P.C:

Being confronted with the fact that we cannot exercise writ jurisdiction under Article 226 of the Constitution of India to examine the disputed questions of fact, and particularly, we have noted that there are rival factions in the Comunidade, the one which filed the Revision Application and the other claiming that this Revision Application was filed without authority.

2. In any case, upon the Revision Application being dismissed for want of prosecution, a Miscellaneous Civil Application was filed for

its restoration and thereafter, an extra ordinary meeting was held on 26.02.2024, in which, some of the Members of the Comunidade participated and decided that since there was no authorization to file the Revision Application, raising challenge to the judgment of acquittal, which involved some Members of the Comunidade as Accused, it was resolved to authorize the Attorney of the Comunidade not to press the Application for restoration.

3. The learned Counsel for the Petitioners has made a feeble attempt to justify the said action, but according to us, since it would involve disputed questions of fact, we have refused to entertain the Writ Petition. She, therefore, seek leave to withdraw the Petition with liberty to avail such remedies, which are available in law.

Permission granted. The Writ Petition stands disposed of.

NIVEDITA P. MEHTA, J.

BHARATI DANGRE, J.