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# IN THE HIGH COURT OF BOMBAY AT GOA

## CRIMINAL REVISION APPLICATION NO.204 OF 2026

ALIJAH FERNANDES AND 2 ORS ... APPLICANTS
Versus
THE STATE OF GOA THR THE INVESTIGATING OFFICER REPRESENTED BY THE PUBLIC PROSECUTOR ... RESPONDENT

Mr Ressano Hector Noronha, Advocate for the Applicants.
Mr Shailendra G. Bhobe, Public Prosecutor for the Respondent No.1.

**CORAM:- AMIT S. JAMSANDEKAR, J.**

**DATED :- 23rd October, 2026**

P.C.

Heard learned counsel for the Applicant.

2. It is submitted that the prosecution has filed a chargesheet against the Applicant for the offences punishable under Sections 326, 341, 506(ii) and 307 read with Section 34 of the Indian Penal Code, as well as Section 8(2) of the Goa Children's Act, 2003.

3. The Applicant had filed an application before the learned Children's Court for the State of Goa, seeking discharge from the offences alleged against him. During the hearing of the said application, the learned Children's Court considered the compact disc containing the video recording of the entire incident and, upon consideration of its contents, was pleased to allow the application to the extent of discharging the Applicant from the offence

punishable under Section 8(2) of the Goa Children's Act, 2003.

4. In view thereof, the matter was transferred to the Court of the learned Chief Judicial Magistrate, Panaji, in respect of the remaining offences alleged in the chargesheet. Thereafter, in view of the invocation of Section 307 against the Applicant, the matter was committed to the Court of the learned Additional Sessions Judge-2(FTC) Panaji.

5. Thereafter, the learned Additional Sessions Judge-2(FTC) heard the Applicant before framing the charge. It is the contention of the Applicant that, during the course of the said hearing, the learned Sessions Judge did not consider the compact disc containing the video recording of the entire incident. It is submitted that the said video recording would reveal that the offences alleged against the Applicant are unfounded.

6. Considering the aforesaid controversy, it would be in the interest of justice to set aside the order dated 20.04.2026 and remand the matter to the Court of the learned Additional Sessions Judge-2(FTC) in Sessions Case(ORS) No.2/2026 for fresh consideration.

7. Accordingly, the order dated 20.04.2026 is quashed and set aside. The learned Additional Sessions Judge is directed to rehear the Applicant and the prosecution before framing the charge and to consider the compact disc containing the video recording of the incident, which was produced by the prosecution.

8. The Revision Application stands disposed of accordingly. All

pending applications, if any, also stand disposed of.

9. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

**AMIT S. JAMSANDEKAR, J.**

Signed by: VINITA VIKAS NAIK
Designation: Private Secretary
Date: 26/10/2026 14:30:16