Esha

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 129 OF 2026

SHIVANNA SHEVA SAJJAN … **PETITIONER**

~ VERSUS ~

STATE & OTHERS … **RESPONDENTS**

APPEARANCES:

for the Petitioner	***Mr. Ashay Priolkar***
for the Respondents	***Mr. Nikhil Vaze, APP***

CORAM : AMIT S. JAMSANDEKAR, J.

DATED : 30th APRIL 2026

P.C:

1. Office to waive the office objections, if any, and register the Petition.

2. By the present Petition, the Petitioner has challenged the order dated 25.04.2024, passed by the President of the Children's Court for the State of Goa. By the impugned order, the Children's Court, Panaji, has rejected the Petitioner's Application under Section 311 of the Code of

Criminal Procedure, 1973 (**Cr.P.C.**), by which the Petitioner sought to recall the witness (the Victim) for cross-examination. The FIR came to be filed on 17.05.2018 bearing No. 155/2018 for an offence punishable under Section 377 of the Indian Penal Code, Section 8 of the Goa Children's Act and Sections 4, 8, 12 of the Protection of Children from Sexual Offences Act, 2012 (**POCSO Act**).

3. The Victim was examined by the Prosecution on 06.12.2018. Though the Petitioner-Accused was represented by a Lawyer, the record clearly indicates that the Victim was not cross-examined by the Petitioner's Advocate on 06.12.2018.

4. Thereafter, the Petitioner filed an Application on 14.02.2024 i.e. almost after a period of five years, seeking recall of the Victim for cross-examination.

5. Heard Mr. Priolkar, the learned Counsel for the Petitioner and Mr. Vaze, the learned Additional Public Prosecutor on behalf of the State and perused the record.

6. The Application filed by the Petitioner under Section 311 of Cr.P.C. is clearly without any justification. There is no explanation as to why the Application was filed almost after a period of five years. The Application was filed in the most casual manner, which cannot be justified on any ground. Therefore, the learned President of the Children's Court has rightly rejected the Petitioner's Application. In

any case, considering the provisions of the POCSO Act and the Goa Children's Act, the Application filed without any reasons and justification, particularly after five years, cannot be allowed. The order of the President of the Children's Court is a well-reasoned order, and I do not find any arbitrariness or perversity in the impugned order.

7. In view thereof, **the Petition is dismissed**.

8. No order as to costs.

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: ESHA SAINATH VAIGANKAR
Designation: Personal Assistant
Date: 30/04/2026 14:42:41