



Esha

IN THE HIGH COURT OF BOMBAY AT GOA

**CRIMINAL WRIT PETITION NO. 655 OF 2025 (F)
WITH
CRIMINAL MISC. APPLICATION NO. 90 OF 2025
IN
CRIMINAL WRIT PETITION NO. 655 OF 2025 (F)**

JUSTINIAN FERNANDES

... PETITIONER

~ VERSUS ~

**THE STATE OF GOA, THR. P.P. & 6
ORS.**

... RESPONDENTS

APPEARANCES:

for the Petitioner *Mr. L. Raghunandan*
for Respondent Nos. 1 & 2 *APP, Mr. Nikhil Vaze*

CORAM : AMIT S. JAMSANDEKAR, J.

DATED : 26th MARCH 2026

P.C:

1. The learned Counsel for the Petitioner undertakes to remove all the office objections on or before 01.04.2026.

2. Heard the learned Counsel for the Petitioner and the learned Additional Public Prosecutor for the State.
3. By the present Petition, the Petitioner is challenging the order dated 25.03.2025, passed by the learned Additional Sessions Judge, South Goa, Margao, by which the learned Judge has dismissed the Application of the Petitioner filed under Section 173(8) of Cr.P.C.
4. On perusal of the record, it is clear that the chargesheet in the matter was filed on 07.05.2017. The Petitioner filed an Application under Section 173(8) of Cr.P.C. on 16.12.2023, which is filed almost after six years after the commencement of the trial.
5. Therefore, the learned Judge has rightly relied on the judgment of this Court in the case of ***Bharat alias Bhomaram Choudhary Vs. State*** (Criminal Writ Petition No.968 of 2024), in which, this Court has held thus:-

“The law as laid down in Vinubhai Haribai Malaviya vs state of Gujarat [(2019) 17 SCC 1] could be thus summarized; the Magistrate or Court is within its powers to order further investigation in terms of section 173(8) of the Code until a charge is framed i.e. during pre-trial proceedings, but is precluded from doing so after trial begins.”

6. In any case, I agree with the findings recorded by the learned Judge that, for considering the Application under Section 173(8) of Cr.P.C. there has to be some reasonable material on record which assists the Court to order further investigation. In the present case there is no such material on record.
7. In view thereof, I find no reason to interfere with the impugned order. Accordingly, the present **Petition is dismissed.**
8. Consequently, Criminal Miscellaneous Application No. 90 of 2025 **stands 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.]