



vinita

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO.467 OF 2025 (F)

DEREK SEQUEIRA

... PETITIONER

Versus

VERLENE SEQUEIRA

... RESPONDENT

Ms. S. Kakodkar, Advocate for the Petitioner.

Mr C. Fonseca, Advocate for the Respondent.

CORAM:- AMIT S. JAMSANDEKAR, J.

DATED :- 13th March, 2026

P.C.

Ms. Kakodkar submits that she shall remove all the Office objections and register the petition by the end of the day.

2. By the present Petition, the Petitioner has challenged the order passed by the Learned Sessions Judge, North Goa, in Criminal Appeal No. 222/2023.
3. By the said Appeal, the Petitioner had assailed the order passed by the Learned Judicial Magistrate First Class, "E" Court, Panaji in Case No. PWDVA/31/2018. By order dated 20.07.2021, the Learned JMFC granted a protection order against the Petitioner under the provisions of the Protection of Women from Domestic Violence Act, 2005 (the Act).
4. The said order was challenged before the Learned Sessions Judge mainly on the ground that the Petitioner was not served in the proceedings under Section 12 of the Act and, therefore, the order was passed without following the principles of natural justice. The Learned Sessions Judge considered the matter in detail and dealt

with all the grounds raised by the Petitioner.

5. Insofar as the contention of the Petitioner that he was not served in the original proceedings under Section 12 of the Act is concerned, I have perused the record. The record clearly establishes that the Petitioner was served in accordance with Rule 12A of the Protection of Women from Domestic Violence Rules on 06.03.2019. The material on record further indicates that several attempts were made by the Respondent to serve the Petitioner at his known address. Since service could not be effected despite such attempts, an application was moved before the trial Court seeking permission for substituted service, which was allowed. Accordingly, substituted service was effected by publication in a local newspaper. In these circumstances, the contention of the Petitioner that he was not served in the proceedings under Section 12 of the Act cannot be accepted.

6. It is also relevant to note that in the Memo of Appeal filed before the Learned Sessions Judge, the Petitioner himself stated on oath in paragraph 6 that he was residing at his cousin brother's residence and at times would stay in trains, railway stations, waiting rooms, public gardens, etc. Therefore, it is an admitted position that the Petitioner did not have any fix address. The Learned Judicial Magistrate First Class was therefore justified in permitting substituted service.

7. Having considered the material on record, I am unable to accept the submission that there has been any violation of the principles of natural justice. The Petitioner was duly served in accordance with the law. I also do not find any perversity or arbitrariness in the judgment and order passed by the learned Sessions Judge. The Learned Sessions Judge has considered the factual aspects as well as the

legal position and has arrived at findings with which I find no reason to disagree.

8. The order passed by the Learned Judicial Magistrate First Class is essentially a protection order under Section 12 of the Act. In the absence of any perversity or illegality in the impugned judgment, no interference is called for in the present Petition.

9. **The Petition is accordingly dismissed.**

AMIT S. JAMSANDEKAR, J.