Suzana

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO.432 OF 2026

Pooja Alhat thr. Next friend (presently lodged in Judicial Custody) ...Petitioner

Versus.

State of Goa thr. The Police Inspector …Respondent

Mr. Kautuk Raikar, Advocate with Mr. Digaj Bene, Advocate for Petitioner.
Mr. Somnath B. Karpe, Additional Public Prosecutor for the Respondent.

CORAM: ASHWIN D. BHOBE, J.

DATED: 19th October, 2026.

P.C.

1. Heard, Mr. Kautuk Raikar, Learned Advocate appearing for the Petitioner and Mr. Somnath Karpe, learned Additional Public Prosecutor for the State.

2. Mr. Raikar and Mr. Karpe submit that this Petition can be disposed of finally.

3. By this Petition filed under Article 227 of the Constitution of India, the Petitioner assails the Order dated 01.09.2026 passed

by the President, Children's Court for the State of Goa, Panaji ("Children's Court") on Application at Exh-D-25 in Special Case No.50 of 2025.

4. The Order dated 01.09.2026 reads as follows:-

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> *There is no provision made to give copies of video recorded on Esakshya or to give access to advocates. The videos can be recorded by the advocate and accused in court. Hence application is dismissed."-*

5. Mr. S. Karpe, learned Additional Public Prosecutor for the State, submits that the Department of Home, Home-General Division, has notified the Goa E-Sakshya Management Rules, 2025 ("said Rules") and that the said Rules are in force. He submits that although the Petitioner's Application at Exh-D-25 is under Section 230 of BNSS 2023, it does not refer to the said Rules. He therefore submits that if the Petitioner files an appropriate Application under Section 230 of the BNSS, 2023, read with the said Rules, the Children's Court can consider it in accordance with law.

6. Mr. K. Raikar, learned Advocate for the Petitioner, submits that the Petitioner will file an Application under Section 230 of the BNSS, 2023, before the Children's Court, which makes out a specific case under the said Rules. He submits that the Application shall be filed no later than 21.10.2026, with an advance copy to the office of the learned Public Prosecutor. He

further submits that the proposed Application be thereafter considered by the Children's Court.

7. Mr. K. Raikar, learned Advocate for the Petitioner, further submits that the Panch Witness is scheduled to be examined on 23.10.2026 in Special Case No.50 of 2025 as PW2 and therefore, the Petitioner's proposed Application is required to be considered prior to the deposition of PW-2.

8. Mr. S. Karpe, learned Additional Public Prosecutor, does not have any objection to considering such Application prior to recording the deposition of PW2 in Special Case No.50 of 2025.

9. If the Application, as submitted by Mr. K. Raikar, learned Advocate for the Petitioner, is filed on 21.10.2026, the Children's Court is requested to consider adjudication of the Application, uninfluenced by its earlier Order dated 01.09.2026, prior to the examination of Rajesh Kerkar (PW-2) in Special Case No.50 of 2025.

10. All contentions of the parties are left open.

11. Criminal Writ Petition No.432 of 2026 is disposed of.

ASHWIN D. BHOBE, J.

Signed by: MARIA SUZANA REBELLO
Designation: Personal Assistant
Date: 19/10/2026 19:52:23