

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 365 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

ATMARAMBHAI KALIDAS PARMAR

Versus

DIST SUPDT OF POLICE

Appearance:

MR TUSHAR MEHTA for Petitioners
Mr.A.D. Oza, learned Public Prosecutor for the
respondent State.

CORAM : MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 30/05/2001

ORAL JUDGEMENT

Rule. Mr.A.D. Oza, learned Public Prosecutor
waives service of the rule.

2. The present petition is filed by Atmarambhai Kalidas Parmar and Ambaben Kalidas Parmar praying that their daughter in law Gitaben N. Parmar and son Nandubhai A. Parmar along with Nayanbhai N. Parmar and Fagu N. Parmar (both minor son and daughter of Nandubhai Parmar), who are alleged to have been kidnapped/ abducted by respondents nos.3, 4 and 5, be directed to be produced before this Court.

3. The matter was adjourned from time to time. An affidavit in reply was filed on behalf of said Smt. Gitaben N. Parmar. An affidavit in reply is also filed on behalf of respondent no.2. After hearing the submissions of the learned counsel for the respective parties for some time, a request was made by the learned counsel for the petitioner that though the affidavit is filed by said Gitaben, the Court may ascertain the factual aspects of the allegations made in the petition from her in person in chamber.

4. Accordingly, learned counsel appearing for Gitaben and her husband was asked to keep Gitaben present in the Court along with her husband and two children. Gitaben, her husband Nandubhai and two children are present. Factual aspects are ascertained from them. Gitaben submitted that she, of her own free will, is away from the residential premises where she has been staying and that she is not under any coercion or force from any person. It was explained to her that her disclosure about "she being under coercion or under influence of somebody" will not result in any trouble to her. She then stated that in fact she is away from her residence because she does not want to be subjected to any pressure of either party before she remains in the meeting of the District Panchayat.

5. In view of the aforesaid ascertainment from said Gitaben, the present petition fails. The Special Criminal Application stands dismissed accordingly. Rule is discharged. No order as to costs.

(Ravi R. Tripathi, J.)

karim