

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISCELLANEOUS APPLICATION NO.180 OF 2002

Smt Shalini Rajwat e Fernandes,
alias Shalini Rajwat, aged about
23 yrs, r/o Hill View Apts.
Fatorda, Margao PETITIONER

VERSUS

1. State of Rajasthan,
through the Secretary,
Home Dept.,
Rajasthan, Jaipur,
Rajasthan;
2. The SHO
Police Station Moti Doongri,
presently at Margao Town
Police Station,
Margao, Goa;
3. The Officer-in-Charge,
Margao Town Police Station,
Margao, Goa RESPONDENTS

Mr. M. Rodrigues, Advocate for the Petitioner.

Mr. A.P. Lawande, Public Prosecutor, for the
Respondent No.3.

CORAM : P.V. KAKADE, J.

Dated : December 21, 2002.

ORAL ORDER

Not on Board. This Application is made
by urgent circulation.

2. Heard Mr. M. Rodrigues, the learned
Counsel for the Applicant and Mr. Lawande, the
learned Public Prosecutor, on behalf of the

Respondent No.3.

3. Mr.Kamal Kumar, the Police Sub-Inspector of Moti Doongri Police Station of Jaipur City, is present, who has brought Habeas Corpus direction issued in Habeas Corpus Petition No.9292 of 2002 by the Division Bench of Rajasthan High Court by which SHO, Police Station, Moti Doongri, Jaipur is directed to produce detainee Shalini Singh before that Court. The returnable date originally was 18-12-2002. However, Mr. Kamal Kumar submits that it is extended till 21-12-2002.

4. The Applicant, who is detainee before the Rajasthan Court in the said Habeas Corpus Petition, has made this Application expressing apprehension that her life is in danger and there were threats given by the concerned parties. She has further stated that she is being taken to Rajasthan along with male Police force and without any female, which is not in consonance with the repeatedly given directions by the High Courts as well as the Supreme Court and, therefore, in that light, she has submitted that the Respondents which are the Police Officers as well as the Officer-in-Charge of Margao Police Station, be

restrained from executing the Order of the High Court Jaipur Bench pending the hearing of the Petition before the High Court.

5. Needless to mention that the Applicant lady cannot be escorted from Goa to Rajasthan without female escort. Mr. Kamal Kumar, the P.S.I. from the said Police Station of Jaipur, submits that he has contacted his superiors and they have agreed to send female Police escort for the purpose of escorting the Petitioner to Rajasthan High Court in compliance with the Order passed by the Division Bench of the Rajasthan High Court.

6. Therefore, in view of the facts and circumstances and well settled legal position, it is directed that the Order of the Division Bench of the Jaipur Bench of Rajasthan High Court shall be complied with only after adhering to the norms established in this regard. The Moti Doongri Police Station Officers are directed to provide, and, if required, send responsible female Police Officers of proper rank, and not mere constables to escort the Petitioner lady in compliance with the Division Bench Order of the Rajasthan High Court. Till then the Petitioner shall reside at her place

of abode given in the Petition, i.e. Hill View Apartments, Fatorda, Margao and she shall make herself available for the purpose of her escort before Rajasthan High Court as per the impugned Order.

Copy of this Order be furnished to Mr. Kamal Kumar, the Police Sub-Inspector of Moti Doongri Police Station, who is present before this Court, and has stated that he shall remain in Panaji awaiting arrival of the lady Police Officer from Moti Doongri Police Station for the purpose of compliance of the Order.

It is further directed that the Police Officer of Moti Doongri Police Station shall not remove the Petitioner from the jurisdiction of this Court unless and until proper lady Police escort, as directed above, is provided for the purpose.

7. In view of these directions, the Application stands disposed of.

P.V. KAKADE, J.