

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION NO. 9047 of 2020**

AJAY DIPAKBHAI MARWADI

Versus

STATE OF GUJARAT & 4 other(s)

Appearance:

MR. NISARG N JAIN(8807) for the Applicant(s) No. 1

MS MAITHILI MEHTA ADDL. PUBLIC PROSECUTOR(2) for the
Respondent(s) No. 1**CORAM: HONOURABLE MR. JUSTICE NIKHIL S. KARIEL****Date : 31/12/2020****ORAL ORDER**

1. Heard learned Advocate Shri Nisarg Jain for the applicant and learned APP Ms. Mehta for the respondent No.1. This application had been originally listed on Board yesterday i.e. 30.12.2020 and whereas upon instructions of this Court, learned APP had submitted that she would coordinate with the concerned Police Officer and ensure that the corpus girl would produced before the nearest District Court.

2. Today, this Court is informed by the learned APP that the corpus is present before the learned 3rd Additional District and Sessions Judge, Visnagar, Shri J.N. Vyas and upon request of his Court, Shri Vyas has taken assistance of Ms. Akhtar S. Shaikh, learned Principal Senior Civil Judge, Visnagar. Both the learned Judicial Officers have talked with the corpus and upon request of this Court, learned Principal Senior Civil Judge, Ms. Shaikh has talked to the corpus privately and corpus unequivocally states that she would like to be with her parents.

3. At this stage, learned Advocate Shri Jain has submitted that the role of the Police Authorities in this whole episode is not about the board and he requests this Court to pass some suitable observations with regard to the same.

4. At the outset, since the corpus has made very clear that she wants to live with her parents, this Court is not inclined to entertain this application and under such circumstances, it is directed that the concerned Police Officials who have produced corpus before the learned 3rd Additional District and Sessions Judge, Visnagar, to ensure that the corpus is returned safely to her parents. As far as grievance raised by learned Advocate Shri Jain, since as of now, this Court is not dealing with the said aspect, the applicant is at liberty to approach any appropriate forum for redressal of his grievance.

5. Present application is disposed of on the above terms. This Court also records its appreciation of the all prompt action and assistance provided by both the learned Judicial Officers Shri J.N. Vyas, learned 3rd Additional District and Sessions Judge, Visnagar and Ms. A.S. Shaikh, learned Principal Senior Civil Judge.

(NIKHIL S. KARIEL,J)

VARSHA DESAI/YNVYAS