

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION NO. 4325 of 2019**

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VECHATBHAI GOPABHAI BARIYA

Versus

STATE OF GUJARAT

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Appearance:

MS DIPMALA S DESAI(6596) for the Applicant(s) No. 1

DS AFF.NOT FILED (N)(11) for the Respondent(s) No. 4,5,6,7,8

NOTICE SERVED(4) for the Respondent(s) No. 2,3

MR MANAN MEHTA, ADDL. PUBLIC PROSECUTOR(2) for the
Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE SONIA GOKANI

and

HONOURABLE MR. JUSTICE N.V.ANJARIA**Date : 01/09/2020****ORAL ORDER****(PER : HONOURABLE MS. JUSTICE SONIA GOKANI)**

1. The corpus is produced before us today. She has no complaints and is, in fact, willing to continue to reside with the parents of the respondent no.4.

2. Ms. Kanan Desai, Deputy Superintendent of Police, Limkheda is also present and according to her, the father of the corpus is oscillating. He has agreed to enter into the compromise with the parents of the boy and thereafter he left for Surat under the pretext that he needs to carry on his work of labour. She also has conveyed to this Court that the parents of the boy are ready to part with the money and mutate the names of the corpus and her son in their land by way of acceptance of her right as a part of the family. The cast leaders also had gathered when the attempt was made to bring about the amicable settlement.

3. We have heard learned advocate Ms. Dipmala Desai and learned Additional Public Prosecutor Mr. Manan Mehta.

4. Learned advocate Ms. Desai, on instruction, submits that the father who is a complainant and the petitioner herein wants his daughter's future to be secured and therefore, has urged that he is presently at Surat for his livelihood as he needs to feed his family.

5. Noticing the fact that the attempts to bring about the amicable settlement between the parties has not materialized so far, due to oscillation on the part of the parents of the corpus, through video conference we had conversed with the mother of respondent no.4 as his father could not make it due to ill health. She volunteered to part with a good amount in favour of the corpus and her son and also mutate her name after recognizing her right in some parcel of land which they own.

6. In view of this development, let the following things happen:

- (i) The registration of birth of the child with the name of mother and father both;
- (ii) The bank account of corpus shall be opened in a near future;
- (iii) The parents of the boy since have volunteered to give a fixed amount to the petitioner herein, let the said amount deposited in the bank account of the corpus within three weeks.

(iv) So far as the separating and earmarking the share of the corpus and her child, the entry should be mutated in the Revenue Record. The proof of which shall be produced on the next adjourned date.

(v) The undertaking shall also be furnished by the parents of the boy before this Court for looking after the corpus and her child.

7. Any assistance required for bringing the documents or executing what had been volunteered by the parents of the boy, we have requested Mr. Brahmhatt, learned Presiding Judge at Limkheda to extend the assistance to the police force so also to the corpus, if required. The Taluka Legal Services Authority or District Legal Services Authority shall be approached, if required.

8. We place on record our appreciation for the arrangement and the active cooperation extended by Mr. Brahmhatt, learned Presiding Judge at Limkheda.

9. Let this matter be posted on 21.09.2020.

(SONIA GOKANI, J)

(N.V.ANJARIA, J)

MISHRA AMIT V./Bhoomi

