

IN THE HIGH COURT OF BOMBAY AT GOA.

CRIMINAL APPLICATION (MAIN) NO.243 OF 2016.

Mr. Cyrone Fernandes, s/o.
Francisco Fernandes, Major of
age, Indian, resident of H. No.
40/1, Chinchwado, Chimbél,
Goa. (Presently lodged in
Judicial Custody, at Central
Jail, Colvale, through his next
friend, Mrs. Maria do Ceu F.
Fernandes e Carneiro, resident
of H. No.40/1, Chinchwado,
Chimbél, Goa). Petitioner.

V/s

The State of Goa, Through
Police Inspector, Mapusa Police
Station, Mapusa, Bardez, Goa. Respondent.

Shri R. Menezes, Advocate for the petitioner.
Shri M. Amonkar, Addl. Public Prosecutor for the respondent.

CORAM : F.M. REIS, J.

DATE : 21st December, 2016.

ORAL JUDGMENT

Heard Shri R. Menezes, learned Counsel appearing for
the petitioner and Shri M. Amonkar, learned Addl. Public
Prosecutor appearing for the respondent.

2. Rule.

3. Heard forthwith with the consent of the learned Counsel appearing for the respective parties.

4. The learned Addl. Public Prosecutor waives notice on behalf of the respondent.

5. The above petition seeks for a modification of the order dated 16.12.2016 passed by the learned Children's Court whereby the original accused no.2/petitioner herein was allowed to attend the wedding of his brother from 4.30p.m to 5.00p.m on 5.1.2017 at the Church in Ribandar by providing sufficient escorts accordingly.

6. Shri R. Menezes, learned Counsel appearing for the petitioner points out that the nuptials are fixed at 4.00p.m and that thereafter there is a reception at 7.30p.m and according to him, the visit permitted by the learned Children's Court of only half an hour would be too inadequate. The learned Counsel further points out that the petitioner be permitted to attend the nuptials at 4.00p.m and thereafter for some time to visit the

residence of the petitioner and attend some religious ceremony therein up to 7.00p.m.

7. When the matter was taken up on the last occasion Shri M. Amonkar, learned Addl. Public Prosecutor for the respondent pointed out that as the petitioner is charge-sheeted for grave offence, it would not be appropriate to modify the timing fixed by the learned President without hearing the concerned brother and other family members of the petitioner. Accordingly, the parents and the brother of the petitioner are present in Court and pointed out that they would take responsibility to see that no untoward incident would occur and that they have no objection if the petitioner attends the nuptial at the church as well as the religious ceremony at the residence.

8. Shri M. Amonkar, learned Addl. Public Prosecutor further states that in the peculiar facts and circumstances of the case and as there is a marriage of a close member of the family, the timing may be reasonably modified.

9. Hence, in exceptional circumstances and on humanitarian grounds considering the circumstances of the case,

the timing fixed by the learned Children' Court in the order dated 16.12.2016 stands modified to 3.30p.m to 6.00p.m instead of 4.30p.m to 5.00p.m as referred to therein. All other conditions imposed by he learned Children's Court shall continue to be in operation.

10. With the aforesaid modification, rule stands disposed off.

F.M. REIS, J.

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