

**IN THE HIGH COURT OF BOMBAY AT GOA**

CRIMINAL WRIT PETITION NO. 194 OF 2017

ARTI G. D'LIMA @ ARTI MANDREKAR. ... Petitioner

Versus

THE STATE OF GOA REP. BY THE CHIEF  
SECRETARY AND ANR.,, ... Respondent

Mr. Ryan Da Piedade Menezes, Advocate for the petitioner.

Mr. M. Amonkar, Additional Public Prosecutor for the  
respondent no.1.

Coram:- C. V. BHADANG &  
NUTAN D. SARDESSAI, JJ.

Date:- 14th December 2017

P.C.

Heard.

2. By this petition, the petitioner is challenging the order dated 17/05/2017, passed by the Child Welfare Committee (CWC, for short) and seeking restoration of the custody of minor Simran D'Lima, who is the daughter of the petitioner.

3. We have heard Shri Menezes, the learned Counsel for the petitioner and Mr. Amonkar, the learned Additional Public Prosecutor for the first respondent and we do not find that any case for interference is made out at this stage.

4. The record discloses that the child was produced at the residence of one of the Members of the CWC on 17/05/2017 and was admitted to Apna Ghar. Presently, the child is with an institution "Matruchaya" since 15/06/2017. The child is aged about 9 years and is schooling in 4th standard. The CWC is yet to take a final decision on the issue of the release of the child or otherwise. At this stage, it appears that there are some disputes between the parents of the child and the petitioner- mother is staying separately from her husband. Be that as it may, we had also personally interacted with the child. It would be neither necessary nor appropriate to set out the details about the response of the child in as much as the matter is pending before the CWC. However, suffice it to mention that in the best interest of child, we do not think that at this stage, at least the custody can be restored to the petitioner- mother.

5. Considering the overall circumstances, it would be appropriate if the CWC takes a decision on the release of the child, as expeditiously as possible and in accordance with law.

6. The learned Counsel for the petitioner, on instructions, states that the petitioner shall personally remain present before the CWC on 03/01/2018 at 11.30 a.m. We, however, make it clear that the CWC shall independently decide the matter on its own

merits and in accordance with law.

7. The petition is, accordingly, disposed of.

NUTAN D. SARDESSAI, J.  
SMA

C. V. BHADANG, J.