

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Civil Revision Petition No.741 of 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/father-in-law of the respondent, challenging the order, dated 24.01.2019, passed in I.A.No.399 of 2018 in G.W.O.P.No.26 of 2017, by the VI Additional District Judge, Godavarikhani, whereby, on a petition filed by the respondent herein under Sections 8 and 12 of the Guardian and Wards Act, 1890, read with Section 151 of C.P.C., for grant of visitation rights to visit his minor son namely Juluri Deekshith, who is in the custody of the revision petitioner, the Court below directed the revision petitioner to allow the respondent to see his minor son on every first and third Sunday from 10:00 AM to 12:00 Noon, at the house of the revision petitioner, in his presence.

2. Heard the learned counsel for both sides and perused the record.

3. The learned counsel for the revision petitioner would contend that the respondent is an accused in a Sessions Case registered for the offences punishable under Sections 304B, 302, 498A of IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961, for brutally

murdering his wife. The ward as well as the revision petitioner and his family members would be at risk in allowing the respondent to see his son at their house and ultimately prayed to set aside the order under challenge and allow the Civil Revision Petition as prayed for. It is further submitted on behalf of the revision petitioner that the Court below may be directed to dispose of G.W.O.P.No.26 of 2017 expeditiously.

4. On the other hand, the learned counsel for the respondent would contend that there is no denial of the paternity of the respondent. Though the respondent is an accused in a Sessions Case, his right to visit his son cannot be denied and ultimately prayed to dismiss the Civil Revision Petition.

5. In view of the above rival contentions, the point that arises for determination in this Civil Revision Petition is as follows:

“Whether the order, dated 24.01.2019, passed in I.A.No.399 of 2018 in G.W.O.P.No.26 of 2017 by the VI Additional District Judge, Godavarikhani, is liable to be set aside?”

6. There is no dispute that the respondent is an accused in a Sessions Case, wherein he is being prosecuted for the offences punishable under Sections 304B, 302, 498A of IPC and Sections 3 and 4 of the

Dowry Prohibition Act, 1961. The trial in the said Sessions Case has not yet commenced. It is vehemently contended on behalf of the revision petitioner that his daughter (wife of the respondent) was brutally murdered by the respondent causing several injuries and there is apprehension of threat to his life as well as the ward and other family members, who are the witnesses in the said Sessions Case, in the hands of the respondent. It is further contended that the revision petitioner does not want the respondent to visit his house.

7. Under the given circumstances, merely because the respondent is an accused in a Sessions Case, his right to visit his son shall not be denied. However, the safety and security of the ward, the revision petitioner and his family members, is also a matter of paramount consideration.

8. Under these circumstances, to strike a balance between the two conflicting interests, the impugned order, dated 24.01.2019, passed in I.A.No.399 of 2018 in G.W.O.P.No.26 of 2017 by the VI Additional District Judge, Godavarikhani, is modified as follows:

“The respondent herein is permitted to see and interact with his son, who is in the custody of the revision petitioner, once in a month, for half an hour, in the open Court where G.W.O.P.No.26 of

2017 is pending, on the date of hearing of G.W.O.P.No.26 of 2017. The learned VI Additional District Judge, Godavarikhani, is also directed to dispose of G.W.O.P.No.26 of 2017, pending on its file, as expeditiously as possible.”

9. With the above modification of the impugned order, this Civil Revision Petition is disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

23rd October, 2019
Bvv

Dr. SHAMEEM AKTHER, J

