IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CRIMINAL APPLICATION NO. 3692 of 2020

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YASIN ABDUL RAHIM CHANDA

Versus

STATE OF GUJARAT

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Appearance:
JATIN V YADAV(8946) for the Applicant(s) No. 1
MR P P MAJMUDAR(5284) for the Applicant(s) No. 1
for the Respondent(s) No. 2
NOTICE NOT RECD BACK(3) for the Respondent(s) No. 3
NOTICE SERVED(4) for the Respondent(s) No. 4,5,6,7,8
MR JIRGA JHAVERI, ADDL.PUBLIC PROSECUTOR(2) for the Respondent(s) No. 1
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CORAM:**HONOURABLE MS. JUSTICE SONIA GOKANI**
and
HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 09/10/2020

ORAL ORDER
(PER : HONOURABLE MS. JUSTICE SONIA GOKANI)

1. This is a petition seeking issuance of writ of habeas corpus or any other appropriate writ to direct the respondent to produce the corpus before this Court and to hand over the custody of hers.

2. This Court issued notice on 26.08.2020 and thereafter on couple of occasions, orders came to be passed. On the last occasion i.e. on 30.09.2020, investigation has been handed over to the Assistant Superintendent of Police Ms. Shefali Bharval and today the corpus has

been produced before us.

3. The production was through the nearest Court in presence of the learned Additional Sessions Judge. We could notice that she was happily married and stated that all possible care has been taken of conversion from one religion to another. She is very happy with respondent No.3 and was not at all convinced to even communicate with the parents through the video conferencing. She was persuaded to meet the parents through the video conferencing to alley their apprehension and fear and eventually she spoke to them in presence of learned advocate Mr. Majmudar. She refuses to join the parents and insisted on continuing to be with respondent No.3, who is her legally wedded husband. She also insisted on providing her and her family the protection as she has strong apprehension of sharp reaction of her parents and her family.

4. Having been satisfied ourselves that it was a voluntarily step taken by the corpus and she has chosen to marry respondent No.3 to be her own

volition, we do not see any reason to continue this petition as nothing as apprehended in the petition of her having been confined against her will and wish, is found merit less. Noticing apprehension of the corpus and also the report of the ASP that this matter has a potentiality of being communally sensitive matter, let the protection be provided to the corpus and her in-laws family initially for the period of three months. Thereafter, the review shall be made by Assistant Superintendent of Police (ASP) Ms. Barval in consultation with SP, Dahod who shall decide whether to continue such protection, thereafter, or not.

5. We appreciate the manner in which learned Principal District Judge, Ms.Rashida Uraizee and learned Additional District and Sessions Judge, Mr.Prakash Purohit have handled the sensitive matter and we also acknowledge the fact that after the young ASP Ms.Barwal took over this investigation, she succeeded within a very short period to trace the corpus and understanding the delicacy of the situation, presented her before us.

6. Petition is disposed of accordingly.

(MS. SONIA GOKANI, J.)

(NIRZAR S. DESAI,J)

MISHRA AMIT V./sudhir