

Niti

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION NO.57 OF 2021
IN
CRIMINAL WRIT PETITION NO.439 OF 2021
(FILING NO.)

X

...APPLICANT

Versus

STATE OF GOA, THR. PUBLIC
PROSECUTOR AND 3 ORS.

...RESPONDENTS

Ms. Prema Matkar, Advocate under Legal Aid Scheme for the Applicant.

Mr. D. Pangam, Advocate General with Mr. Shubham Priolkar, Additional Government Advocate for the Respondent Nos.1 & 2.

Mr. S.G. Bhobe, Public Prosecutor for the Respondent No.3.

Ms. Kalpa Govekar, Advocate for the Respondent No.4.

**CORAM: REVATI MOHITE DERE &
M. S. JAWALKAR, JJ.**

DATED: 15th DECEMBER 2021

P.C. :

1. Heard learned Counsel for the respective parties.
2. By this application, the applicant had sought modification of the order dated 04.06.2021 to the extent of releasing Ms. Rita Mody Joshi as her guardian.

3. Vide order dated 16.11.2021, we relieved Ms. Rita Mody Joshi of her undertaking and directed the Director, Department of Social Welfare to appoint a lady representative, as the duly nominated representative of the applicant in terms of Section 14(e) of the Mental Healthcare Act, 2017 to take care and responsibility of the applicant, so as to provide the applicant with necessary support.

4. Learned Counsel for the applicant submits that the applicant does not want any representative or any person to take care of her. Learned Counsel relied on Section 5(1)(b) and 5(2) of the Mental Healthcare Act in support of her submissions. She submits that the applicant is an Assistant Professor teaching in Goa College of Architecture at Altinho, Panaji and is capable of taking treatment and care of herself.

5. Learned Counsel further requests that it is the applicant's wish that her identity be concealed in terms of Section 23(1) of the Mental Healthcare Act.

6. Accordingly, we direct the Registry to conceal the identity of the applicant in the application by referring her as "X" in place of her name. The said corrections be carried out at the earliest in all the earlier orders passed in the aforesaid application as well as in the main Writ Petition. The petitioner's name be erased from the orders and be replaced by 'X'. Appropriate corrections be made in all the applications, including the orders passed in the main Writ Petition.

7. Learned Advocate General, on instructions, states that the Board will be constituted within four weeks from today in terms of the mandate of the Mental Health Care Act and that after the Board is constituted the issue of the applicant will be taken up by the Board. Statement accepted.

8. In view of what is stated aforesaid, the earlier order dated 04.06.2021 and 16.11.2021 passed by this Court stands modified accordingly.

9. Ms. Prema Matkar, learned Advocate appearing for the applicant, as an Officer of the Court, graciously agrees to accompany the applicant on her visit to her father. This arrangement is made only till such time the Board is constituted. The applicant assures to cooperate with Advocate Ms. Prema Matkar. The visitation time will be informed to Ms. Matkar much in advance and will be subject to her convenience.

10. Application stands disposed of.

11. All parties to act on the authenticated copy of this order.

M. S. JAWALKAR, J.

REVATI MOHITE DERE, J.

NITI K

HALDANKAR

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HALDANKAR
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