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IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION NO.61 OF 2021
IN
CRIMINAL MISC. APPLICATION NO.57 OF 1992

VANITA TUYENKAR ALIAS SUMITRA
TUYENKAR

...APPLICANT

Versus

STATE OF GOA,
THR. PUBLIC PROSECUTOR

...RESPONDENT

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

Mr. Gaurish Nagvekar, Additional Public Prosecutor for the Respondent.

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

DATED: 23rd November 2021

P.C. :

1. Heard learned Counsel for the parties.
2. By this application the applicant seeks permission to withdraw the whole amount, i.e. ₹20,000/-, along with interest, deposited with the Punjab Sind Bank from account no.06681000000911, amongst other reliefs.
3. Perused the papers. A letter was written to the Hon'ble the Chief Justice and other High Court Judges. The said letter was

converted into Criminal Misc. Application No.57 of 1992. In the said letter, Rukmini Vithal Tuyekar had alleged that her son Vidyanand (deceased) was brutally assaulted whilst in police custody, in an effort to extract a confession from him, in a theft case, with which he was not concerned. Vidyanand was found dead hanging in the police cell of the Calangute Police Station. This Court (Coram : Ashok Agarwal & Dr. E. S. Da Silva, JJ.) vide order dated 04.12.1992, passed in Criminal Misc. Application No.57 of 1992 directed the respondent State Authorities to pay for the acts of the police officers, who assaulted Vidyanand in police custody, a sum of ₹1,00,000/-. This Court, vide the said order, directed that the said amount be deposited within four weeks and on deposit, the amount was to be distributed as under :

(i) A sum of ₹5,000/- was to be paid over to Rukmini, the widowed mother of Vidyanand;

(ii) A sum of ₹20,000/- was to be invested in the name of the widow Vanita w/o Vidyanand Tuyenkar (applicant);

(iii) and ₹25,000/- each was to be invested in the name of each of the minor children i.e. Dnyaneshwar S/o Vidyanand Tuyenkar, Manuja D/o. Vidyanand Tuyenkar and Vithal S/o Vidyanand Tuyenkar. Smt. Vanita W/o Vidyanand Tuyenkar (applicant) was to be their guardian;

(iv) The interest in respect of the deposit in favour of Vanita (applicant) as also the minor children was to be paid over to Smt. Vanita W/o Vidyanand Tuyenkar (applicant) till the children attained their respective ages of 21 years. On the children attaining the age of 21 years, the amount was to become payable to each of them;

(v) Smt. Vanita (applicant) was entitled to receive the interest on the deposit of ₹20,000/- in her account during her life time.

4. The applicant, aged 58 years, has filed the aforesaid application after almost 19 years.

5. Learned Counsel for the applicant states that the applicant be permitted to withdraw the entire amount of ₹20,000/- deposited by the Registry of this Court alongwith accrued interest thereon, deposited in the Punjab Sind Bank at Panaji [Account no.06681000000911]. She submits that the applicant is a resident of Village Candolim, Bardez-Goa, and finds it extremely difficult to visit Panaji City only to withdraw the interest which is accrued on ₹20,000/-.

6. As noted above, this Court had permitted the applicant's children to withdraw the amounts on attaining the age of 21 years. Vidyanand's mother was also paid a sum of ₹5,000/- in 1992. The principal amount is only ₹20,000/-. Having regard to the amount and the difficulties faced by the applicant, we deem it

appropriate, in the interest of justice, to modify the said order passed by this Court vide order dated 04.12.1992.

7. Accordingly, we permit the applicant, Vanita Tuyenkar alias Sumitra Tuyenkar, to withdraw the entire amount of ₹20,000/- [fixed deposit] alongwith interest accrued thereon, from the Punjab Sind Bank, Panaji from account no.06681000000911.

8. Application is allowed on the aforesaid terms and is accordingly disposed of.

9. 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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