

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CRIMINAL APPLICATION NO. 4122 of 2020

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PARMAR(THAKOR) PRAHLADBHAI ANUPBHAI

Versus

STATE OF GUJARAT

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Appearance:

MALAV M MULANI(8844) for the Applicant(s) No. 1

for the Respondent(s) No. 2,3

NOTICE NOT RECD BACK(3) for the Respondent(s) No. 4

MR MANAN MEHTA, 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 : 05/10/2020

ORAL ORDER

(PER : HONOURABLE MS. JUSTICE SONIA GOKANI)

1. Today the corpus is brought before us from the District Court, Kutchh in presence of learned Principal District Judge Mr. Ileshkumar Patel. We could notice that she has no

complaint so far as the Women Protection Home is concerned where she is housed. On inquiring from her, it is noticed that she has been medically examined and learned Principal District Judge has confirmed from the officer who has remained present that she has four months of pregnancy and she wishes not to get herself terminated and wishes to continue her pregnancy. She being a minor, although her wish has no bearing, advanced months of pregnancy with no complications, would not permit any direction for termination.

2. Noticing the fact that she is young and requires nutritive diet as well as utmost care as she has no inclination to meet the parents who had gone to meet her at Women Protection Home, Superintendent, Women protection home shall take requisite care of the corpus.

3. Let the corpus be also taken for her routine check up to the gynecologist on a regular basis and such periodical report shall be sent to the Superintendent of Civil Hospital who, in turn, shall cause the same to be sent to this Court Let such a report be also tendered on the returnable date.

4. We also have requested learned Principal District Judge to persuade the corpus to meet the parents. Let the parents visit the chamber of learned Principal District Judge on 07.10.2020 at around 3:00 pm. The corpus also shall be brought from Women Protection Home to the chamber of learned Principal District Judge on that day.

5. We could notice from our detailed queries that at Women Protection Home, Kutchh, food which has been provided to the girls on a daily basis does not much regard any nutritive angle. From what we gathered from corpus, (who hardly has any understanding or awareness being too young and with her rustic background) that neither milk nor ghee nor fruits nor any other nutritive food is included. She is a mother to be who would need utmost care and essentially nutritive diet first and foremost along with medical treatment and warmth and care as well. This has been the prevalent condition elsewhere in the women protection home and hence, there was a detail order passed by this Court in Special Criminal Application No. 3315 of 2020.

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6. Considering the pathetic condition of food as also of building and other necessities, indulgence would be warranted at the end of this court. Let a senior officer deputed by the Principal Secretary, Social Justice and Empowerment Department [for women above 18 years] and Women Child and Development Department [for the girls below 18 years] to let the Court know on oath of the detailed functioning of the Women Protection Homes and the total amount of grant/funds allocated for these homes on yearly basis. Its administration, the guidelines framed for running these homes, Officials obligated for implementation and its evaluating mechanism shall also be made known to the court.

7. The corpus who are being housed are all young and many of them join there with foetus in their wombs or a young child with them. Those who refuse to join their parents or parents or husband refuse shelter are necessarily housed at such Women Protection Home and at this stage the nutrition of their food shall need to be well taken care of. It is found and noticed from many of the matters which have come before this Court that it is sadly lacking and hence, there will

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be a requirement for the Court to know these details for the purpose of redressal. Let the same be furnished in the form of affidavit bearing in mind that it is not an adversarial litigation and it is for the welfare of those girls who are directed to be housed there and for whose benefits, these homes are in existence. If there is requirement of mending the ways, the same shall be revealed to the Court so that a better environment can be created for these girls in future.

8. Matter to appear on 16.10.2020.

9. We place on record our appreciation for facilitating smooth conduct of this matter by learned Principal District Judge Mr. Ileshkumar Patel who also has ensured to undertake the task of mediating between the corpus and parents.

10. A copy of this order be furnished to learned Additional Public Prosecutor Mr. Manan Mehta for onward communication and due execution of the order.

(SONIA GOKANI, J)

(NIRZAR S. DESAI, J)

MISHRA AMIT V./Bhoomi

