

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).9291-9296/2013

(From the judgement and order dated 31/10/2012 in WPCRL No.230/2011 dated 08/11/2012 in WPCRL No.230/2011 dated 21/12/2012 in WPCRL No.230/2011 dated 07/01/2013 in WPCRL No.230/2011,CC No.11/2013 dated 10/01/2013 in LPA No.7/2013 dated 04/02/2013 in WPCRL No.230/2011,CC No.11/2013 of The HIGH COURT OF JHARKHAND AT RANCHI)

SHEKHAR SINGH

Petitioner(s)

VERSUS

STATE OF JHARKHAND & ANR.

Respondent(s)

(With appln(s) for directions,c/delay in filing SLP,exemption from filing O.T. and with prayer for interim relief and office report)

WITH

SLP(C) NO. 8997-9000 of 2013

(With prayer for interim relief and office report)

Date: 06/05/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE ANIL R. DAVE

HON'BLE MR. JUSTICE VIKRAMAJIT SEN

For Petitioner(s)

Ms. Pratibha Jain, AOR

Mr. Sushil Kumar Jain, AOR

Mr. Puneet Jain, Adv.

Ms. Christi Jain, Adv.

Mr. Pramod Sharma, Adv.

Mr. Anurag Gohil, Adv.

For Respondent(s)

R.2.

Ms. Vibha Datta Makhija, Adv.

Mr. Sarbjit Dutta, Adv.

Mr. Idkshat Shrivastava, Adv.

Ms. Manjeet Kirpal, AOR

Ms. Archi Agnihotri, Adv.

Mr. Mohd.Waquas, Adv.

Mr. Tapesh Kumar Singh, AOR(Standing Counsel)

UPON hearing counsel the Court made the following

O R D E R

1. During the pendency of these Special Leave Petitions, which were directed against the orders passed in Criminal Writ Petition No.230 of 2011, by the Jharkhand High Court in proceedings under Section 97 Cr.P.C., directing handing over of custody of two of the children by the petitioner to the respondent No.2, talks of settlement were undertaken. Accordingly, we had directed the husband of the respondent No.2, Shri Shekhar Singh, who has

custody of the two girl children and also of the third child, who is autistic, to produce the children before us to enable us to proceed further in the matter.

2. After the meeting with the respondent No.2, the petitioner and the three children, we were of the view that settlement attempts should be taken further and, accordingly, we had directed the parties to consider the manner in which such settlement could be arrived at. Incidentally, we may indicate that during the meeting, the petitioner-husband seemed to be ready and willing to arrange for Nidhi, the respondent No.2, to stay with him and their two daughters, separately from the other members of the family, to give their marriage a chance to revive.

3. As far as the boy child, Rishabh, is concerned, it was suggested that directions could be given for the respondent No.2 to meet him, as and when possible, since, he appears to be completely dependent on the petitioner's sister having lived with her in Mumbai from a long time.

4. We had, accordingly, fixed the matter for passing orders today, once the parties had an opportunity of considering the arrangement to be arrived at.

5. Today, when the matter is taken up, it has been reiterated by the petitioner-husband, that he stands by his earlier commitment and that he has already taken a separate residence in Patna city, where he along with the respondent No.2 and the two daughters could live together as a family. It may also be indicated that on the last occasion, the respondent No.2-wife was also willing to abide by such an arrangement, though, she had certain apprehensions about her personal safety in Patna and the manner in which she may be treated.

6. Today also, Ms. Makhija, learned counsel appearing on her behalf, has repeated the said sentiments.

7. We, however, cannot see how if an arrangement is to be arrived at in the manner indicated hereinabove, the respondent wife can avoid going to Patna to stay with her husband. We can at best provide for certain safeguards to assuage her fears. We have also to keep in mind that the interest of the children is paramount.

8. Accordingly, we direct the petitioner-husband to go to Bokaro to the house of the respondent No.2 on 17th May, 2013, to escort her to their new house in Patna, at B-01, Khushi Villa, Opp.B.S.P.Office, Main Road, Buddha Colony, East Boring Canal Road, Patna-800001, which has been rented by him.

9. On reaching Patna, the petitioner shall inform the State Legal Services Authority of their arrival and the State Legal Services Authority, shall arrange for periodical counselling for the petitioner, the respondent No.2, as well as the children, through their para-legal volunteers, to make the interim arrangement successful. The Executive Chairman of the State Legal Services Authority, must ensure that this Order is given effect to diligently by the Member Secretary of the said Authority.

10. Needless to say, the petitioner shall look after the all the house-hold expenses, the childrens' expenses and provide the respondent No.2 with a separate sum of ` 5000/- per month towards her own personal expenses, which shall have nothing to do with the running of the house or the maintenance of the children.

11. As far as Rishabh,, the elder son of the couple is concerned, who is now staying with the petitioner's sister in Mumbai, the petitioner shall make arrangements so that the respondent No.2 is able to meet him at least once a month.

12. Let this matter stand over till 5th July, 2013, and be listed on that date at 3.30 p.m., for obtaining a feed-back from the State Legal Services Authority, as to how the interim arrangement has worked and let this Bench be reconstituted on the said date and time, for the aforesaid purpose.

13. Both the petitioner and the respondent No.2 are once again directed to be present on the said date and time.

14. The State of Jharkhand, which is being represented by learned counsel, shall also be represented on the said date.

15. Let copies of this Order be communicated to the Chairman, as also the Member-Secretary of the State Legal Services Authority, Bihar, well before 17th May, 2013, so that adequate arrangements can be made in terms of the directions given hereinbefore for the purpose of engaging para-legal volunteers to give effect to the said directions.

|(Sheetal Dhingra)
|AR-cum-PS

|(Juginder Kaur)
|Assistant Registrar

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