

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1568 OF 2017

(Arising out of S.L.P. (Crl.) No. 5025/2017)

MR. INAObI SINGH MAIBAM

Appellant(s)

VERSUS

SMT. HUIDROM NINGOL MAIBAM ONGBI OMILA DEVI

Respondent(s)

O R D E R

- 1) Leave granted.
- 2) Heard the learned counsel appearing for the parties.
- 3) By an order dated 03.10.2015, learned Sessions Judge, Imphal East, decided that an application filed under Section 29 of the Protection of Women from Domestic Violence Act, 2005 by the husband for visitation was maintainable and decided that he should have visitation rights of the child every third Saturday of the month between 2.00 p.m. and 4.00 p.m. In a revision filed against this order, the same was set aside on 26.10.2016, remanding the matter to the learned Sessions Judge inasmuch, as according to the Revisional Court, the interest of the child had not been properly kept in mind. On remand thereafter, by an order dated 05.12.2016, the learned Sessions Judge went into the matter in some detail and ultimately found that since the child was three years old and his interest needs to be protected, visitation right was given to the father on every second and fourth Sunday of every month from 10.30 a.m to 2.30 p.m.

4) Against the said order, the respondent before us filed a revision, which succeeded. The impugned order dated 12.04.2017 stated that the order passed after remand was not in accordance with the order dated 26.10.2016. We are of the view that this order is not correct in that the only thing to be seen after remand was the interest of the child, which has been kept clearly in mind by the order dated 05.12.2016. Visitation has thereafter been granted to the father as afore-stated on the second and fourth Sunday of every month from 10.30 a.m. to 2.30 p.m.

5) We have been informed that owing to proceedings pending in Courts, the father has not been able to visit the child at all in the last three years. This is indeed a very sorry state of affairs and needs to be remedied at once. The respondent will cooperate fully to see that the child gets to see his father every second and fourth Sunday as afore-stated. If there is any problem in so doing, it will be open to the father to approach this Court immediately.

6) In view of the above, we set aside the impugned judgment dated 12.04.2017 and restore the judgment dated 05.12.2016.

7) The appeal is disposed of accordingly.

..... J.  
(ROHINTON FALI NARIMAN)

..... J.  
(SANJAY KISHAN KAUL)

New Delhi;  
September 04, 2017.

ITEM NO.42

COURT NO.12

SECTION II

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 5025/2017

(Arising out of impugned final judgment and order dated 12-04-2017 in CRLRP No. 4/2017 passed by the High Court Of Manipur At Imphal)

MR. INAOBI SINGH MAIBAM

Petitioner(s)

VERSUS

SMT. HUIDROM NINGOL MAIBAM ONGBI OMILA DEVI

Respondent(s)

(FOR ADMISSION and I.R. and IA No.70257/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS and IA No.84203/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

Date : 04-09-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. Gaichangpou Gangmei, AOR  
Mr. Abhishek Shukla, Adv.  
Mr. Arjun Singh, Adv.

For Respondent(s) Rarry M., Adv.  
Mr. Rameshwar Prasad Goyal, AOR  
Mr. Satyendra Kr. Singh, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending applications, if any, also stand disposed of.

(R. NATARAJAN)  
COURT MASTER

(SAROJ KUMARI GAUR)  
COURT MASTER

(Signed order is placed on the file)