

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 864 OF 2015

Anshu Kuwar.

..Petitioner.

Versus

Union of India and Others.

..Respondents.

Mr. Arun Kumar Roy for the Petitioner.

Mr. Pranil Sonawane for Respondent No. 1 to 4.

Mr. S. K. Shinde with Mr. K. V. Saste for Respondent No. 5 State.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **June 15, 2015.**

P. C. :

1. Heard. The Petitioner has sought following reliefs :

"a) this Hon'ble Court be pleased to issue a writ of mandamus or any other writ, direction or order in the nature thereof thereby directing the Respondents to produce the relevant service files of the Petitioner son and on perusal of the legality and propriety, this Hon'ble Court may be pleased to direct the Respondents to discharge from service on medical ground which policy is duly in vogue.

b) this Hon'ble Court may be pleased to direct the Respondents to avoid custodial trial for discharge if needed and allowed the Petitioner to stay with son during trial to take medical care under own arrangement.

c) this Hon'ble Court may be pleased to direct the Respondents to allow the Petitioner to stay with her son under own arrangement in Mumbai during the period of trial if any to get discharge without much peril to

self and service.

d) this Hon'ble Court may be pleased to stayed/cancelled the arrest warrant and/or suspend arrest warrant till the final disposal of this petition."

2. The reliefs as sought cannot be granted by the Criminal Court.

3. That apart, the learned Counsel appearing for the Respondents placed on record a copy of the order dated 8th May 2014 passed by the Armed Forces Tribunal passed in Original Application No. 64 of 2014. It reveals that the Petitioner's son made an application seeking stay to the implementation of the arrest warrant. Though said application was dismissed, the Petitioner's son was granted time upto 9th June 2014 to surrender before the appropriate authority.

4. In above circumstances, the petition being devoid of merit, it is dismissed.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]