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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2595 OF 2015

Rajkumar Ramasra Jhah

..Petitioner

Vs.

The State of Maharashtra & Anr.

..Respondents.

Mr. Sudhir C. Halli for Petitioner.

Smt. V.R. Bhonsale, APP for State.

**CORAM: B.P. DHARMADHIKARI &
A.S. GADKARI, JJ.**

14th August 2015.

P.C.

Heard.

2 The Trial Court has in its order dated 22.5.2015 filed on Remand Application no.35 of 2015 in LAC No.90 of 2015 refused to hand over custody of respondent no.7 before it to the present petitioner. Respondent No.7 is an adult and petitioner claimed that he has married to her. This order directing her detention for a period of one year in care/protection centre and for training her in vocational course was questioned in criminal writ petition no.2188 of 2015. This Court on

18.6.2015 appreciated the documents presented to it and found that documents could not have been accepted.

3 In view of this order, the present writ petition has been filed seeking writ of habeas corpus for her production.

4 We have heard learned Counsel for the petitioner. Shri Halli apart from pointing out the facts, also states that if this Court does not intervene, petitioner will be without remedy. He insists that the lady namely respondent no.5 should be produced before this Court and this Court should verify the fact of marriage from her.

5 Learned APP for respondent nos.1 to 3 has opposed this course of action. According to him the orders passed by the Trial Court have attained finality.

6 Respondent No.5 was respondent no.7 before the Trial Court and in her presence order dated 22.5.2015 came to be passed. She is adult and it was open for her to challenge that order. It appears that the said order was not challenged by her and present petitioner came before this Court in criminal writ petition no.2188 of 2015.

7 Learned Single Judge of this Court on 18th June 2015 while disposing of that petition has seen original documents and noted that marriage is not registered and it was notarized. The photographs are not

pasted and they are stapled and and staples appeared to be fresh. Prima facie therefore documents were found suspicious.

8 We have also noted statements of respondent no.7 recorded by the Trial Court. She has stated that she hails from West Bengal and since 3 and ½ years was residing in Mumbai. Her first husband deserted her and thereafter she married. She has not stated that she married with petitioner.

9 In this situation, as the respondent no.5 before this Court has been placed in protection by judicial order, writ seeking habeas corpus cannot be entertained. Moreover, disputed issue also cannot be resolved in this jurisdiction. We therefore find petition without any merits and hence without prejudice to the contentions raised before this Court insofar as factual matrix is concerned, we dispose of the present petition. No costs.

(A.S. GADKARI,J.)

(B.P. DHARMADHIKARI,J.)