

JPP

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION**

CRIMINAL WRIT PETITION NO. 2682 OF 2014

Mrs. Shweta Subhash Sawant. ... Petitioner.

V/s.

The State of Maharashtra and Ors. ... Respondents.

Mr. Prakash Naik a/w. Mr. Ganesh Bhujbal for the Petitioner.
Mr. H.J. Dedhia, APP for the State.

**CORAM : P.V. HARDAS &
A.S. GADKARI, JJ.**

JUNE 24, 2015.

P.C. :-

This is a Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Habeas Corpus directing Respondent No.2 to produce the niece of the Petitioner by name Mrs. Janhavi Ganesh Salunkhe i.e. wife of the fourth Respondent. In the Petition it is averred that the niece of the Petitioner i.e. wife of the fourth Respondent is missing since 19.2.2013 and despite the efforts of the Police, the whereabouts of the missing lady has not been traced. It further appears that an offence was registered against Respondent Nos. 4 and 5 vide Crime No.41 of 2013 under Sections 363, 365, 498-A r/w. 34 of the Indian Penal Code.

Pursuant to the completion of investigation, a charge-sheet has also been filed against the accused.

2. From time to time this Court has been monitoring the investigation which has been carried out by the Police in respect of the tracing of the whereabouts of the niece of the Petitioner. Despite the efforts of the Police, the whereabouts of the missing person could not be located. The charge-sheet has also been filed and is pending trial in the Trial Court. In such circumstances therefore, in our opinion, no useful purpose would be served by keeping this Petition pending.

3. We, accordingly, dispose of this Petition directing the Police to continue with their efforts at tracing the whereabouts of the missing person. The Petitioner, if she comes across any clues leading to the whereabouts of the missing lady, she may furnish the same to the Police and we direct the Police to ensure that the said clues are properly investigated. The Police should continue with their efforts at tracing the whereabouts of the missing person.

4. This Petition is therefore allowed to the limited extent as per the directions issued above.

5. In the circumstances, there shall be no order as to costs.

(A.S. GADKARI, J.)

(P.V. HARDAS, J.)