

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.2802 OF 2015

Mohd. Tausif ... Petitioner
Vs.
State of Maharashtra and another ... Respondents

Mr. Rahul Arote for Petitioner.
Mrs. U. V. Kejriwal for Respondent No.1-State.

**CORAM : RANJIT MORE &
R. G. KETKAR, JJ.**

DATE : 12th OCTOBER, 2015.

P.C.:

Heard learned Counsel appearing for the respective parties.

2. On 02.09.2015, respondent No.2 was produced before the Court and after interacting with her, we passed the following order:

“ Heard learned Counsel appearing for the respective parties.

2. In pursuance of the order dated 24.07.2015, respondent NO.2 has produced her daughter before this Court. We interacted with the daughter of respondent No.2. She is 20 years old and at present studying in 2nd year of B.A. in K. J. Somaiya College at Vidyavihar. She stated that petitioner falsely represented her that he is having residences at Malad, Airoli and Powai and has good financial position and he is also educated. Believing this misrepresentation, she married him on 08.05.2015. However, on the same day itself, it was revealed that the petitioner is not having any residence either at Malad, Airoli or Powai. It was also revealed that petitioner is not educated and not earning anything. On the very same day, she went to police station. At that time, her father, mother and

brother came there. In view of above, she wanted to go back to her mother. That time, petitioner stated that if she is not coming back to him, he will give *talak* to her and, accordingly, he pronounced *talak* thrice. She lastly stated that she is staying with her parents at her own free will and she does not wish to go back to the petitioner.

3. The learned APP having taken instructions from the officer stated that daughter of respondent No.2 has also given similar statement dated 1.9.2015. She placed the said statement for our perusal. Statement corroborates what daughter of respondent No.2 stated today before us.

4. Petitioner and his counsel are not present today. We are, therefore, deferring hearing of this petition to Tuesday i.e. 8th September, 2015, High on Board. Presence of the respondent No.2 or her daughter is dispensed with.”

3. Petition was not disposed of only because petitioner's Counsel was not present on 02.09.2015. Since Ms Krishna Joshi - daughter of respondent No.2 was produced before us on 02.09.2015 and she showed her willingness to go back to her mother, nothing survives in this Petition. Petition is disposed of as such. Liberty is reserved to the parties to adopt appropriate proceedings.

[R. G. KETKAR, J.]

[RANJIT MORE, J.]

Minal Parab