

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL SUO-MOTU WRIT PETITION NO. 1 OF 2015

THE REGISTRAR (JUDICIAL),
THROUGH HIGH COURT OF BOMBAY,
BENCH AT AURANGABAD.

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Pralhad D. Bachate.

PP for Respondents: Mr. A. B. Girase.

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CORAM : **A. V. NIRGUDE &
INDIRA K. JAIN, JJ.**

DATE : 28th March, 2016.

P.C.:

. The victim is produced before us. His two brothers are also before us. A caretaker from Pune Mental Hospital is also present before us. The medical report is also before us and the same is taken on record. The medical report indicates that the health of the victim is now improved and though he is a psychiatric patient with medication his condition can be improved and managed. His brothers, out of which one is an accused in a criminal case, are trying to assure us that they will take care of the patient. But in view of Section 19 of the Mental Health Act, we are not taking any decision on the question as to whether the patient should be sent back to his relatives. Such decision shall be taken after following appropriate procedure. We only

take note of the fact that due to intervention of this Court through this Criminal Sou-Motu Writ Petition, the victim / patient is rescued and is now improving.

2 The purpose of this petition is thus achieved. We, therefore, dispose of this criminal suo-motu writ petition with a direction to the State of Maharashtra that the victim / patient shall be protected further and shall be sent back to his relatives after following proper procedure laid down in the Mental Health Act. We would also suggest an extra care that can be taken in this case while releasing the victim / patient to the custody of his relatives. The one who would take responsibility of the victim / patient should be directed to give a surety in accordance with law.

3 Though we observed above that the purpose of taking up this criminal suo-motu writ petition is almost over, we would keep it pending for few weeks for monitoring as to what steps are taken in future in respect of welfare of the victim / patient.

4 If in the meantime, the victim / patient is released from Mental Hospital and is sent to the custody of his near relatives, a report of such change should be made to this Court immediately.

5 Stand over 6th June, 2016.

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[INDIRA K. JAIN, J.]

[A. V. NIRGUDE, J.]