

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Criminal Writ Petition No. 1557 of 2016

District : Ahmednagar

Nanda w/o. Dashrath Chede,
Age : 40 years,
Occupation : Household,
R/o. Khanapur,
Taluka Shevgaon,
District Ahmednagar.

.. Petitioner.

versus

1. The State of Maharashtra,
Through Police Station Officer,
Newasa Police Station,
Taluka Newasa,
District Ahmednagar.

.. Respondent no.1.

2. Sulbha Ankush Pathare, Age : 25 years, Occupation : Nil, R/o. Khopati, Taluka Newasa, District Ahmednagar.
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.. Respondent no.2
(Original
complainant)
deleted.

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Mr. N.V. Gaware, Advocate, for the petitioner.

*Mr. K.S. Hoke Patil, Addl. Public Prosecutor,
for respondent no.01.*

*Respondent no.02 deleted as per Court's order
dated 05.12.2016.*

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CORAM : Z.A. HAQ, J.

DATE : 15TH DECEMBER 2016

ORAL JUDGMENT :

Heard.

02. Rule. Rule made returnable forthwith.

03. The petitioner has approached this Court being aggrieved by the directions given by the learned Principal Magistrate, Juvenile Justice Court, directing that the child in conflict with law - Jayshree @ Manisha Dashrath Chede @ Jayshree w/o. Ankush Patare (daughter of the petitioner) is referred to Child Welfare Committee for further orders immediately.

04. The contention of the petitioner is that Jayshree @ Manisha is residing with the petitioner and not with Ankush Ramnath Patare and, therefore, the directions given by the learned Principal Magistrate are uncalled for.

The petitioner has filed an undertaking dated 13th December, 2016 stating that Jayshree @ Manisha is residing with the petitioner at village Khanapur, Taluka Shevgaon, District Ahmednagar, and the petitioner will continue with the custody of Jayshree @ Manisha and custody of Jayshree @ Manisha will not be handed over to Ankush Ramnath Patare or his near relatives. The petitioner has undertaken that

Jayshree @ Manisha would be produced before the Court for enquiry whenever required.

05. Considering the facts of the case and the undertaking given by the petitioner, Clause 2 of operative order passed by the learned Principal Magistrate on 09th August, 2016 is set aside.

This order is passed relying on the undertaking given by the petitioner and if it is found that the petitioner has committed any breach of undertaking, the respondents are at liberty to move appropriate application.

The Writ Petition is disposed in the above terms.

(Z.A. HAQ)
JUDGE

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