

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 791 OF 2016

Tabassum A. Sattar and anr.

..Petitioners

Versus

The State of Maharashtra and ors.

..Respondents

Mr. E. A. Sasi, advocate for the petitioners.

Mrs. M. M. Deshmukh, APP for the State.

Ms. Farhana Shah, advocate for the

CORAM : RANJIT MORE &
V. L. ACHLIYA, JJ.
DATE : 25th FEBRUARY, 2016.

P. C. :

The petition is filed seeking following reliefs :

“(A) This Hon'ble Court may be pleased to issue appropriate writ, order or direction to the concerned Respondents to forthwith provide to the Petitioners:-

(a) certified true copies of the statement of the victim child i.e. the daughter of Petitioner No.2 recorded u/s. 164 of Cr.P.C., r/w. Sec.25 and 26(4) of POCSO Act, 2012, in the presence of the Learned Judicial Magistrate's, First Class Court at Thane, in CR No.I-214/2014,

(b) certified true copies of the statement of the victim child i.e. the daughter of Petitioner No.2 recorded u/s. 164 of Cr.P.C., r/w. Sec.25 and 26(4) POCSO Act, 2012 in the presence of the Learned Judicial Magistrate's First Class

Court at Bhivandi, Dist. Thane in CR No. I-231/2015 dt. 24.09.2015;

(c) a true copy of the CD containing videographing of the events of recording of the statements of the child in both the cases stated at (a) and (b) above;

(d) true copies of the statement recorded by the Child Welfare Committee, Mankhurd in both the aforesaid cases stated at (a) and (b) above;

(e) certified true copies of the statement of the child recorded at Bhaba Hospital, Bandra West, Mumbai by officers of Shantinagar Police Station, Bhivandi in both the aforesaid cases stated at (a) and (b) above along with true copies of the respective CDs videographing the events."

2. Mrs. Deshmukh, learned APP makes a statement that the statement referred in the above prayer came to be recorded by the magistrate under Section 164 of the Code of Criminal Procedure, 1973, in CR No.I-214 of 2014. She also stated that the investigation into this CR is completed and report under Section 169 of the Code of Criminal Procedure is filed. The magistrate has thereafter issued notice to the petitioner. However, the petitioner has avoided to remain present before the magistrate.

3. In the above circumstances, we are not inclined to entertain the prayers made in the petition in exercise of the jurisdiction conferred upon this Court under Article 226 of the Constitution of India. The petitioner, however, is at liberty to apply to the concerned magistrate for certified copies, if he is entitled to do so in accordance with law. The petition is without any merits and the same is, accordingly, dismissed.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]