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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2996 OF 2016

1. Smt. Sulochana Madhukar Shinde and anr. .. Petitioners

Vs.

1. Shri Ankush Dadu Bhauke and anr. .. Respondents

Ms. Akanksha Helaskar a/w Mr. Pushkraj Deshpande i/by M/s. Dewani Associates for petitioners.

Dr. Suresh Mane for respondent no.1.

Mrs. Sangeeta D. Shinde, APP for respondent no.2 - State.

CORAM: NARESH H. PATIL &
PRAKASH D. NAIK, JJ.

SEPTEMBER 22, 2016.

P.C.

1. The petitioners' grievance is that the mother of petitioner no.1 is 90 years old. She has been forced to reside with step son - respondent no.1. Learned APP by communication dated 20/9/2016, instructed the Sr. PI of Karad Police Station, District - Karad in the following manner:-

“ Therefore, Their Lordships were pleased to direct the Karad Police Station to immediately visit the house of Respondent No.1 Ankush Dadu Bhauke at his residence i.e. Ghogaon Shivang, Karad, District Satara and verify about the where about of Smt. Babubai Bhauke and record her statement

and submit the same on 22.09.2016 before the Hon'ble High Court at Bombay at 10.30 a.m.”

2. It is surprising to note that by a “Samajpatra” dated 20/9/2016, N. K. Kamble, PN No. 1353, Karad Taluka Police Station informed respondent no.1 and 90 years old lady - Smt. Babubai Dadu Bhauke to remain present before the High Court on 22/9/2016 at 10.00 a.m.

3. We direct the Superintendent of Police, Satara to call for explanation from N. K. Kamble, who had issued said communication, that in what circumstances he had issued such a communication and made 90 years old lady to travel from Karad to Mumbai to remain present in this court. None of the officers from the concerned police station is present when the matter is being heard. An explanation on this lapse shall also be called for. The issue be dealt with departmentally.

4. On merits, we heard learned counsel for the petitioners and respondent no.1. Learned counsel appearing for the respondent no.1 denied allegations made by the petitioners. He submitted that the pet name of respondent no.1 is Ankush and his real name is Dadaso Dadu Bhauke, who is the step son of 90 years old lady Smt. Babubai Bhauke.

5. Learned APP Mrs. M. M. Deshmukh personally interacted with old lady. She stated that she has one daughter. Learned counsel for respondent no.1 informed that there are two step sons. On further inquiry, Smt. Babubai Bhauke informed that she holds one acre land in Karad. She further stated that she is residing with her son i.e. respondent no.1. She has not given any impression that she is forced to stay with the respondent no.1.

6. In these circumstances, the petitioners may resort to appropriate alternate remedies available under law in respect of the disputes relating to the property or any other issue pending between the parties.

7. The purpose of the habeas corpus petition is over. The petition is disposed of.

8. The matter be listed after two weeks for compliance regarding the action taken by the Superintendent of Police, Satara.

9. Learned APP to communicate the order to the Superintendent of Police, Satara.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL,J.)