

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APL) NO. 489 OF 2016

(SANTOSH BHURAO WEKHANDE..VS..STATE OF MAH. THR. PSO PS AJNI, NAGPUR & ANR.)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Applicant in person.
 Shri J.Y. Ghurde, A.P.P. for Respondent No.1/State.

CORAM : B.P.DHARMADHIKARI AND
KUM. INDIRA JAIN, JJ.

DATED : DECEMBER 06, 2016.

1. Chargesheet for kidnapping is filed against the applicant in the year 2013. Appearing in person he invites our attention to the order of Family Court, dated 18/05/2013, to urge that as the custody of the child is given to complainant (non-applicant No.2), the chargesheet must be quashed and set aside.

2. The counsel for non-applicant No.2 is not available.

3. The learned A.P.P. submits that order of Chief Judicial Magistrate granting custody does not wipe-out the offence of kidnapping.

4. The event of passing order by the Chief Judicial Magistrate on 18/05/2013 has got no bearing on the offence of kidnapping. That order, therefore, is not sufficient to set aside/ quash the chargesheet itself.

The grievance in criminal application is, therefore, erroneous. The application is **rejected**.

JUDGE

JUDGE

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