

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

CRIMINAL WRIT PETITION NO. 941 OF 2015

(Dr. Parijat Vinod Kanetkar & Ors. vs. Mrs. Malika Parijat Kanetkar & Anr.)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
KUM. INDIRA JAIN, JJ.
AUGUST 03, 2016.**

After hearing Shri Rajendra V. Pai with Ms. Neuty Thakkar and Shri Shyam Dewani, learned counsel for the petitioners, Mrs. S.V. Sirpurkar, learned counsel for respondent No. 1 and Shri A.S. Fulzele, learned Additional PP for respondent No. 2, this Court before passing the orders pointed out its non inclination to intervene. Shri Pai, learned counsel, upon instructions, requested the Court to preserve today's position so as to enable the petitioners to challenge the proposed adverse orders before the Hon'ble Apex Court.

In this situation, to avoid further loss of time, Mrs. Sirpurkar, learned counsel submitted that if pending Criminal Appeal before the Additional Sessions Judge – 3, Amravati, is directed to be decided within a reasonable time of three weeks, respondent No. 1 – mother will not insist for immediate custody. She also submits that, however, appropriate access to child may be provided. Her request is to allow the child to be brought to Amravati, as on earlier occasions the mother had gone to Mumbai for that purpose.

During hearing, we gather that the learned

Sessions Judge has fixed the Criminal Appeal on 29.08.2016 for final hearing.

In this situation, we direct the learned Additional Sessions Judge, to decide the Criminal Appeal itself finally by 31.08.2016. We prepone the date of hearing fixed before that Court and list that Appeal for hearing on 10.08.2016 so that the said Court may thereafter appropriately adjust its calender.

The arrangement to provide access to the mother during the pendency of the matter would revive and it is open to Respondent No. 1 – mother to visit the minor at Mumbai accordingly.

In view of the fair statement made by the learned counsel for respondent No. 1 – mother, not to insist for custody of child till 31.08.2016, there is no need to continue interim orders.

Accordingly, we dispose of the present Criminal Writ Petition. No order as to costs.

JUDGE

JUDGE

*GS.

C E R T I F I C A T E

“I certify that this Order uploaded is a true and correct copy of original signed Order.”

Uploaded by : G. Shamdasani

Uploaded on : 03.08.2016.