

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO.333 OF 2017**

|                             |     |             |
|-----------------------------|-----|-------------|
| Usman Gani Hussain Rathod   | ... | Petitioner  |
| Vs.                         |     |             |
| State of Maharashtra & Ors. | ... | Respondents |

Mr. Satish R. Mishra for the Petitioner.

Mr. J.P. Yagnik, A.P.P., for the Respondent-State.

**CORAM : RANJIT MORE &**  
**DR. SHALINI PHANSALKAR-JOSHI, J.J.**

**DATE : 2<sup>ND</sup> FEBRUARY 2017.**

**P.C. :**

1. Heard.
2. This Petition is filed seeking production of Master Asil, aged about 1½ years, the grand-son of the Petitioner.
3. Petitioner's daughter, the wife of Respondent No.4, has expired. In this regard, C.R. has been registered against Respondent No.4 for the offence punishable under Section 306 of IPC and after completion of investigation, the case is committed to the Sessions Court. At present, the proceedings are pending before the Sessions Court.

4. It is the grievance of the Petitioner that he has not seen his grand-son Asil and does not know his whereabouts since last three months and, hence, the present Petition is filed for the relief stated here-in-above.

5. Mr. Yagnik, learned A.P.P., having taken instructions from the officer, namely, PSI Galande, attached to Parksite Police Station, Vikhroli (West), Mumbai, makes a statement that child Asil is with his father - Respondent No.4. Statement is accepted.

6. In view of the above and since the child is with Respondent No.4, who is natural guardian, nothing survives in the Petition and the same is, accordingly, disposed of.

7. Petitioner is at liberty to take appropriate steps.

**[DR. SHALINI PHANSALKAR-JOSHI, J.]**

**[RANJIT MORE, J.]**