

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

CRIMINAL WRIT PETITION NO.625 OF 2017

Ranbir Singh Rawat	...Petitioner
Versus	
The State of Maharashtra & Ors.	...Respondents

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Mr. Oza Nilesh with Mr. Shahed Ansari and Mr. Vijay Kurlle for
the Petitioner.

Mr. J.P. Yagnik, APP for the Respondent No.1-State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 12th APRIL, 2017.

P.C.:-

Heard the learned counsel for the Petitioner and the
learned APP for the Respondent-State.

2. The Petition is filed by the Petitioner for directing the Respondent to produce minor son of the Petitioner in this Court. Initially on the basis of the Petitioner's complaint in Mulund Police Station C.R. No.6 of 2017 came to be registered under the provisions of section 363 of the Indian Penal Code. The Writ Petition was placed before us from time to time as the Mulund Police Station was not making sincere efforts to trace the child. By the order dated 27th

March, 2017 we transferred the investigation of the said FIR to the State CID, Kokan Bhavan with directions that investigation shall be carried out by an officer of the rank Deputy S.P. and the same shall be supervised by the S.P.

3. The learned APP placed on record report dated 12th April, 2017 by the Dy.S.P., State CID, Kokan Bhavan. The report discloses that the child was found in the custody of Shankar Chaguram Yadav @ Salim. Child was accordingly taken in the custody and said Shankar Yadav was arrested under the said FIR. The child is medically examined and it is revealed that he is suffering from jaundice. The child is produced before us. The parents of the child are also present today. We have interacted with the child as well as the parents. The child also states that he was with Shankar Yadav, who was in contact with some other person at whose instance he was kept in the custody. He has submitted that Shankar Yadav had not allowed him to call his parents. Now the child is ready and willing to go to his parents. The parents also state that they will take proper care of the child and provide medical treatment. In these circumstances and in the interest of the child, we hand over his custody to his parents. Ordered accordingly.

4. Mr. Yagnik, the learned APP submits that the statement of the child is scheduled to be recorded on 21st April, 2017. The parents of the child undertake that the child will be produced before the Child Welfare Committee. The undertaking is accepted.

5. In the above circumstances, the habeas corpus Writ Petition is worked out and the same is disposed of. Deputy S.P. State CID, Incharge Officer is directed to investigate the subject C.R. in accordance with law keeping in mind the provisions of the Protection of Children from Sexual Offences Act, 2012. The Child Welfare Committee after recording the statement of the minor child shall take necessary steps including the steps for counselling the child.

6. Though the habeas corpus Petition is worked out, considering the gravity of the offence, we are keeping this matter pending. Stand over to **7th June, 2017**. On the next date of hearing Dy.S.P. State CID shall also file fresh report in respect of the subject investigation.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)