

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1909 OF 2016

Mrs. Swati Alias Masuma W/o Abdullah
Amin Ansari & Anr.

.... Petitioners

Vs.

Shanti Sadan & Others

.... Respondents

Ms Archana Rupwate for the Petitioners.

Mrs. M.M. Deshmukh, APP, for the Respondent-State.

Mr. D.P. Singh for Respondent No.3.

CORAM: S.C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.

DATE : DECEMBER 08, 2017

P.C:

1. After hearing both sides, we find that the petition has worked itself out in view of the comprehensive order passed on 20-8-2016.

2. The only concession or relaxation from the conditions imposed in that order is sought on the ground that the petitioners find it onerous, and particularly petitioner No.1,

to visit the police station every Sunday and secondly, having married a person who resides or has his parental home in the State of Bihar it is not possible for petitioner No.1 to leave the jurisdiction of Thane District.

3. We have heard the petitioners' Advocate as also Ms Deshmukh on this limited point. We have perused the order passed on 20-8-2016 in this petition in its entirety. The conditions that are imposed by this Court are to balance the rights and equities. We do not think that the conditions are in any way onerous or excessive but having regard to the situation in which the petitioners are placed, we modify the condition as regards attendance and reporting to the police station and direct that instead of the petitioners reporting to the police station every Sunday, they shall now be required to report once in a month. Let them report once in a month to the concerned police station and may be a Sunday.

4. Secondly, on the point of leaving the jurisdiction of Thane District, we are of the opinion that even that condition

can be modified and in the event petitioner No.1 desires to travel or go out of Thane District for any work or purpose, she should take appropriate permission or leave in that behalf from the investigation officer. Barring these modifications, the order dated 20-8-2016 is maintained and the petition is disposed of in terms thereof.

5. Needless to clarify that in view of this Court's order dated 20-8-2016, which overrides any direction of any other Court, we need not formally quash and set aside any order, as prayed in terms of prayer clause (b).

(SMT. BHARATI H. DANGRE, J.)

(S.C. DHARMADHIKARI, J.)