

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

CRIMINAL WRIT PETITION NO. 2779 OF 2017

Mrs. Farzana Mohd Hanif Shah ... Petitioner
Vs
1 Yogesh Dineshchand Verma & Ors. ... Respondents

Mr. Mateen Abdul Rahim Shaikh for the Petitioner.

Mrs. S.U. Sonawane, APP, for the Respondent-State.

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

MONDAY, 11TH DECEMBER, 2017

P.C. :

1 After the earlier order was passed, it is stated that the investigations were handed over to Wadala TT Police Station and they were monitored by the Deputy Commissioner of Police, Zone-IV, Mumbai. It is stated that the affidavit of this DCP would indicate that Mr. Santosh Kokare, Police Inspector, PSI Shivaji Chaudhari, ASI Kurkure and Police Constables Shirsagar and Pisal launched an all out effort and particularly from the clues received during the investigation and interrogation of one Yogesh Verma. The said Yogesh Verma is presently detained in judicial custody in relation to a CR / FIR 83 of 2017 registered by the

Rashtriya Chemical Fertilizer Police Station, Chembur, for offence punishable under section 363, 376 IPC and sections 4 and 8 of the Prevention of Children from Sexual Offences Act. After the interrogation, a continuous vigil was maintained in several regions and it was found that the child was taken to the State of Gujarat and particularly in the city of Surat. Later on, the police team visited Surat and made detailed inquiries. The child was found residing in Surat. She has been picked up from there and brought to Mumbai on 5th December, 2017. The missing girl's statement is recorded and as she is minor, on the basis of her statement, even the accused Yogesh Verma was arrested and remanded to police custody till 13th December, 2017. Since the investigations are going on and a charge-sheet has to be laid in the competent court on the statement of the missing girl and presently she being reluctant to go to her mother, she has been lodged at the Observation Home, Dongri, Mumbai. She was medically examined. Presently, the girl is not in a mood to reside with her parent/mother.

2 In the circumstances, when the DCP is present in Court and, she being a senior level lady Police officer, has taken

responsibility of the child and assured that the child is safe and secure, at least till her statements are recorded, investigations are concluded in both crimes and charge-sheets are filed, we do not think that any further order and direction is necessary. Once the mother/petitioner has been assured and informed that the child is safe and secure, the intimation in that behalf has been given duly, the whereabouts of the child are known, we keep open all the remedies of the petitioner to obtain custody of the child. Leaving such remedies and the contentions open, we dispose of this writ petition.

3 We have been assured that the DCP would presently not shift the child from Dongri Observation Home to any other Observation Home, but as and when she has to be shifted even for some medical care and attention, the parent/mother before us would be duly informed.

4 The writ petition is disposed of as the missing child has been traced.

SMT. BHARATI H. DANGRE, J.

S.C. DHARMADHIKARI, J.