

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2436 OF 2007

Shakuntala @ Shalini Suresh KhatriPetitioner
versus
The State of Maharashtra and anr.Respondents

Mr. Ujwal Agandsurve, advocate for the petitioner.
Mr. A. R. Kapadnis, APP for the State.
Mr. Rajiv Whaval, Inspector of Police, Goregaon Police Station, Mumbai,
present.

CORAM : RANJIT MORE &
SMT.SADHANA JADHAV, JJ.
DATE : 7th SEPTEMBER, 2017.

P. C. :

Heard Mr. Agandsurve, advocate for the Petitioner and Mr. Kapadnis, APP for the State. Mr. Rajiv Whaval, Inspector of Police, Goregaon Police Station, Mumbai, is also present.

2. The petition is filed seeking writ of habeas corpus or any other appropriate writ, order or direction, directing Goregaon Police Station to take immediate steps to produce the petitioner's step mother before this Court.

3. The petitioner claims to be a step-daughter of one Shantabai Tukaram Tonde. The petitioner has alleged in the petition that prior to her marriage in the year-1977, she was residing along with the said Shantabai. She has further alleged that in/or about November/December-2004, she had visited the residence of Shantabai in

Jawahar Nagar on several occasions but to her surprise, every time she found lock on the said premises. She had also enquired with the neighbours, however, nobody knew the whereabouts of her step-mother. The petitioner, thereafter, on 27th January, 2005, lodged a missing complaint with Goregaon Police Station. Since Goregaon Police Station did not take any action, the petitioner approached this Court and filed the aforesaid writ petition on 24th December, 2007.

4. The above petition, thereafter, was placed before Division Bench of this Court from time to time and various reports were also filed by the Goregaon Police Station. The Deputy Commissioner of Police(Suburbs) and the Assistant Police Inspector, Goregaon Police Station also filed their respective affidavit in the aforesaid petitions. The reports and affidavits disclose that efforts were being made by Goregaon Police Station to trace the missing lady – Shantabai Tukaram Tonde. This Court by an order dated 9th June, 2008, was pleased to admit the petition on assurance of the police that investigation to trace the said Shantabai would continue and within two months from the date of passing of the order, additional report would be submitted to the Court.

5. The petition, thereafter, was placed before this Bench for final hearing. The Senior Police Inspector of Goregaon Police Station has filed a fresh report dated 20th July, 2017. The report discloses various efforts

made by Goregaon Police Station to trace the said Shantabai. It is a fact that despite sincere efforts, the said Shantabai could not be traced out.

6. Mr. Agandsurve, learned counsel for the petitioner stated that the said Shantabai is missing at least since the year 2004. He stated that she was addicted to alcohol and was also suffering from various diseases, because of which, four fingers of her left leg were required to be amputated due to gangrene. Mr. Kapadnis, learned APP tendered record of the missing case for our perusal. Having perused the same, we find that the said record supports the above statement made by Mr. Agandsurve.

7. Mr. Kapadnis, learned APP, on instructions, submitted that efforts to trace the said Shantabai would be continued and missing complaint would be put in "C" file.

8. In the light of above statement, in our considered view, the petition need not be kept pending. The same is, accordingly, disposed off with direction to Goregaon Police Station to put the missing complaint in "C" file and continue the efforts to trace the missing women – Shantabai Tukaram Tonde and, in the event, she is traced, report to that effect shall be submitted to this Court.

[SMT.SADHANA JADHAV, J.]

[RANJIT MORE, J.]