

Harshada Rohidas Ahire and ors. ..Petitioners
Versus
The State of Maharashtra and anr. ..Respondents

Mr. S. R. Shinde, APP for the State.

Ms. Shraddha Dube-Patil i/b. Jay and Co., advocates for the respondent No.2.

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

DATE : 1st NOVEMBER, 2017.

P. C. :

Heard learned counsel for the petitioners, learned counsel for the respondent No.2 and learned APP for the State.

2. By this petition, the petitioners are seeking limited relief to direct the learned Sessions Judge to dispose of the petitioners' revision application No. 54 of 2017 as expeditiously as possible.

3. The respondent No.2 and the petitioner No.1 are husband and wife. The petitioner Nos. 2 and 3 are the parents of the petitioner No.1. It appears that due to matrimonial dispute, the parties are

residing separately. During the wedlock, the petitioner No.1 and respondent No.2 have given birth to a child by name "Aditya" and at present, his age is approximately 2 years. The petitioner No.1 was having the custody of the said child. The respondent No.2 filed an miscellaneous application No. 897 of 2017 before the JMFC at Malegaon under Section 97 of the Code of the Criminal Procedure, 1973 for search warrant of the child. By an interim order dated 14th July, 2017, the learned magistrate issued a search warrant and directed the police to produce the child "Aditya" before the Court on 20th July, 2017. By separate order passed on 20th July, 2017, the custody of the child was given to the respondent No.2-father.

4. The petitioners' contention is that the order of the learned magistrate is without jurisdiction and, therefore, being aggrieved by the same, the petitioners filed revision application No. 54 of 2017 before the learned Sessions Judge, Malegaon on 28th July, 2017. The grievance of the petitioners is that the learned Additional Sessions Judge, despite petitioners' request to dispose off the revision urgently, adjourned the same initially to 8th September, 2017, and thereafter to 14th November, 2017. Mr. Patil, learned counsel submitted that, in the aforesaid circumstances, the petitioners have approached this Court for expeditious hearing of the said revision. The learned counsel for the

respondent No.2 has no objection if the said revision is decided expeditiously. The learned APP also has no objection for the same.

5. Looking into the nature of the dispute and the age of the child, we feel that the revision deserves to be heard expeditiously. We, therefore, direct the learned District and Sessions Judge at Malegaon to dispose off the criminal revision application No. 54 of 2017 as expeditiously as possible and, in any case, within four weeks from the date of receipt of this order. The petitioners and respondent No.2 shall co-operate with the learned District and Sessions Judge at Malegaon for the disposal of the aforesaid revision. Ordered accordingly.

6. In view of the above, the writ petition stands disposed off.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]