

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Writ Petition No.60 of 2015
(Mrs.Shabana w/o. Shaikh Ahmed .vs. State and Ors.)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mrs.T.D.Khade, Advocate for the petitioner.
Mrs.R.S.Sirpurkar, Advocate for the Respondent Nos.5 & 6.

CORAM : SMT VASANTI A NAIK &
M. G. GIRATKAR, JJ.

DATE : 23.8.2017.

By this Criminal Writ Petition, the petitioner seeks a writ of habeas corpus directing the respondents to produce her son Ahad and permit her to take her son to her paternal house with a view to keep him safe and secured.

On hearing the learned Counsel for the parties for sometime and on a perusal of the interim orders passed by this Court from time to time, it appears that Ahad is in the custody of his father, respondent no.5 Shaikh Ahmed s/o. Nawazuddin and his wife Mrs.Laila Shaikh Ahmed. On one of the previous dates of hearing i.e. on 3.8.2016, we had directed the respondent no.5 not to change his residential address without informing the Court. Since Ahad was produced in this Court on 27.7.2016, it cannot be said that the whereabouts of Ahad are not known and there would be a danger to the life and limb of Ahad if he is not given in the custody of the petitioner. In the circumstances

of the case, the Criminal Writ Petition could be disposed of with a direction to the respondent nos. 5 and 6 not to change their residential address without informing the petitioner and the Court where the proceedings between the petitioner and the respondent nos 5 and 6 are pending. It is informed to this Court that the petitioner has filed an application for the custody of Ahad in the proceedings filed by her against the respondent nos.5 and 6 under the provisions of the Protection of Women from Domestic Violence Act, 2005. The petitioner can seek the custody of the child in the said proceedings or in any other proceedings as is permissible in law as we are not deciding that aspect of the matter in this Writ Petition.

With the aforesaid observations and directions, we dispose of the Criminal Writ Petition with no order as to costs. Order accordingly.

JUDGE

JUDGE

**jaiswal*