

BDSPSPS

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

CRIMINAL WRIT PETITION NO. 139 OF 2018

Alfred Albuquerque

..Petitioner

Versus

Union of India and Ors.

..Respondents

Mr. Satish Maneshinde a/w Ms. Anandini Fernandes and Laxmi Raman, Advocates for the Petitioner.

Mr. Deepak Thakre, Government Pleader and Mr. J.P.Yagnik, APP for Respondent/State.

Mr. S.M. Sabrad, Advocate for Respondent Nos. 3 and 4.

**CORAM: B. R. GAVAI &
B. P. COLABAWALLA, JJ.**

DATE: 15th JANUARY, 2018

P.C.:-

1] This is a Petition for Habeas Corpus. Petitioner, who is the husband of Julie Albuquerque, has filed the present Petition for direction to the Respondents to produce his wife Julie Albuquerque and minor daughter Makalya Albuquerque.

2] In response to the Advocate's notice issued to Respondent Nos. 3

and 4, Mr. Sabrad, learned Counsel appeared on behalf of the said Respondents. When the matter was called out in the morning session, he requested that the matter may be kept in Chamber at 2.45 P.M. and assured that wife of the Petitioner viz. Julie Albuquerque would remain present before the Court.

3] Today, we have heard the matter at 2.45 P.M. After Respondent No.3 came along with Julie Albuquerque, we requested the learned Counsels including our staff to go outside the Chamber, so that we can interview Julie Albuquerque.

4] We have interviewed her. Upon interviewing her, we are of the considered view that she had gone to reside with Respondent Nos. 3 and 4 on her own will and she has not been compelled by any one to reside with Respondent Nos. 3 and 4.

5] Mr. Maneshinde, learned Counsel appearing on behalf of the Petitioner, submits that, daughter Makalya is a minor daughter and atleast Petitioner must be granted some visiting rights to visit her.

6] In a Habeas Corpus Petition, we cannot decide about visiting rights of the contesting parents. Petitioner, if so desires, would be at liberty to take out such proceedings as are found appropriate in law.

7] Petition is therefore rejected.

(B. P. COLABAWALLA, J.)

(B. R. GAVAI, J.)