

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1515 OF 2018

Mr. Charan Singh	.. Petitioner
V/s	
State of Maharashtra & Ors.	.. Respondents

Mr. Vaibhav R. Gaikwad for the petitioner.
Ms. M.H. Mhatre, AGP for the State.

**CORAM: S.C. DHARMADHIKARI &
PRAKASH D. NAIK, JJ.**

DATE : 13TH APRIL 2018

P.C.:

The minor Ravindra Kaur is not the daughter of the petitioner. Admittedly, she is the daughter of one Vinod Singh and Sudesh Kaur.

2. It is stated that Sudesh Kaur and the wife of the present petitioner are sisters. The daughter of Sudesh Kaur and Vinod Singh residing in District Haridwar in Uttarakhand was brought here to Mumbai by the petitioner and his wife to take care of the petitioner's wife during her ailment of eye and post eye surgery.

3. Unfortunately, both of them have kept back from this Court the vital and crucial information in relation to the minor

daughter Ravindra Kaur. There is a boy called Ashok and resident of Uttarakhand, who is supposed to have lured and taken away this Ravindra Kaur allegedly after he was in the knowledge that the said Ravindra Kaur has been brought to Mumbai. The alleged act of abduction and kidnapping is said to be committed when Ravindra Kaur was in custody of the petitioner – Charan Singh and his wife. That is how the petitioner lodged an FIR after Ravindra Kaur went missing from 29th November 2017

4. Pertinently, this matter was moved seeking production of the daughter of Vinod Singh and Sudesh Kaur. Sudesh Kaur is present in Court. We spoke to her after she was identified in open Court. It is she who gave the above information in relation to her daughter. Once it was made clear to her that custody of Ravindra Kaur can be handed over in law only to Sudesh Kaur and her husband, given the fact that now she is no longer in the custody of the petitioner and his wife, Sudesh Kaur says that as the daughter has gone missing from Mumbai, it is she who would be pursuing the present petition seeking a writ of Habeas Corpus.

5. It is in these circumstances that we allow Mr. Gaikwad for the petitioner to withdraw the writ petition with liberty reserved only to Vinod Singh and Sudesh Kaur to file a writ petition for a writ of Habeas Corpus for production of Ravindra Kaur. All contentions in that regard is kept open.

6. The writ petition is disposed of as withdrawn with liberty as above.

(PRAKASH D. NAIK, J.)

(S.C. DHARMADHIKARI, J.)