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

CRIMINAL WRIT PETITION NO.2298 OF 2018

Manish S/o. Sushilkumar Modi	...Petitioner
Versus	
The State of Maharashtra and Anr.	...Respondents

Mr.A.M.Saraogi, for the Petitioner.

Mr. V.B.Konde-Deshmukh, A.P.P for the Respondent-State.

Ms.Disha Shetty i/b Ms.T.F.Irani, for the Respondent No.2.

***CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.***

DATE : 27th JUNE, 2018

P.C. :

1. The above Writ Petition has been filed by the Petitioner aggrieved by the directions contained in the letter dated 15th May, 2018 of the Investigating Officer and Police Inspector Mr.Shashikant Bhandare of the Oshiwara Police Station, Mumbai. The direction contained in the said letter is to the effect that the Petitioner – Husband to deposit the passport of the infant son of the Petitioner and his Birth Certificate with the police

station. This direction has been issued as the Respondent No.2-Wife had proposed to take the child abroad for treatment. We are informed that the child suffers from a particular muscular disorder. During the course of the hearing of the above Writ Petition, the learned counsel appearing for the Respondent No.2 informed us that as on date, the Respondent No.2 has no plans to take the child abroad for treatment and as and when such plan fructifies that she would either approach the police or the concerned Court for the passport and the Birth Certificate of the child.

2. In view of the said statement made by the learned counsel appearing for the Respondent No.2, the grievance of the Petitioner insofar as, the direction contained in the said letter dated 15th May, 2018, is concerned, does not survive. We, therefore, dispose of the above Writ Petition by passing the following order:-

ORDER

- (i) As and when the Respondent No.2 takes a decision or the plan to take the child abroad for treatment fructifies, the Respondent No.2 may move the police authorities or the concerned Court for a direction of return of the passport and the Birth Certificate of the

child – Shivansh Modi;

- ii) The issue about the jurisdiction of the police to issue direction for the return of passport and the Birth Certificate is kept open for being urged at the appropriate time;
- iii) The Respondent No.2 may endeavour to inform the Petitioner as regards her plans to take the child abroad for treatment by furnishing the photo copies of the supporting documents to the Petitioner, atleast two weeks in advance.

3. We expect the Petitioner to co-operate with the Respondent No.2 for the treatment of the child–Shivansh, as and when, the occasion arrives.

4. The Writ Petition is accordingly disposed of.

(REVATI MOHITE DERE, J.)

(R. M. SAVANT, J.)