

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1548 OF 2019

MR. SHIVAM HARISHANKAR TIWARI)...PETITIONER

V/s.

THE STATE OF MAHARASHTRA & ORS.)...RESPONDENTS

Mr. Sanjeev Mishra, Advocate for the Petitioner.

Mr. M.P. Mishra, Advocate for the Respondent Nos.2, 3 and 4.

Mr. H.J. Dedhia, APP for the Respondent - State.

**CORAM : INDRAJIT MAHANTY &
A. M. BADAR, JJ.**

DATE : 1st APRIL 2019

P.C. :

1. This is a Writ Petition for Habeas Corpus for directing the authorities to produce Respondent No.4 Shivani Shivam Tiwari. Respondent Nos.2 and 3 are parents of Respondent No.4 Shivani Shivam Tiwari. They had undertaken to produce Respondent No.4 Shivani Shivam Tiwari when the matter was heard on 27th March 2019. Accordingly, through her cousin Sandeep Vinod Mishra the Respondent No.4 is produced before this Court. We

have enquired about the matter from Respondent No.4 Shivani Shivam Tiwari. We have also perused her school leaving certificate, which shows that her date of birth is 13th September 2000. As of now she is more than 18 years of age. Respondent No.4 Shivani Shivam Tiwari has stated before us that out of her own will, she married the petitioner Shivam Harishankar Tiwari and she wants to cohabit with the petitioner. Her cousin Sandeep Vinod Mishra has stated before us that Respondent No.4 Shivani Shivam Tiwari was called by her parents after after her marriage in order to convince her about her future life and now they are convinced that she will lead happy married life but they are concerned about the earning capacity of the petitioner. The petitioner has stated before us that he is earning his livelihood by working as Operator of the Lathe Machine at Surat and he till take all necessary care of Respondent No.4 Shivani Shivam Tiwari.

2. In this view of the matter, nothing survives in the instant writ petition and the same is accordingly disposed of.

3. Liberty is granted to Respondent No.4 Shivani Shivam Tiwari to cohabit with her husband i.e. petitioner Shivam

Harishankar Tiwari.

4. We also record with appreciation the efforts undertaken by the learned counsel for the respective parties in getting solution to the immediate problem in resolving the matter between them.

(A. M. BADAR, J.)

(INDRAJIT MAHANTY, J.)