

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1809 OF 2019

Mr. Gurpreet Amrik Singh Bumrah : Petitioner.
Versus
Mrs. Vini Gurpreet Bumrah & anr. : Respondents.

Mr. S R Soni for the Petitioner.
Ms. Siddh Vidya for Respondent No.1.
Mr. N B Patil APP for the Respondent/State.

CORAM : S. S. SHINDE, J
DATE : 05th July 2019

P.C.

1 Heard the learned counsel for the Petitioner, learned counsel for Respondent No.1 and the learned APP for the Respondent/State.

2 The Petitioner herein is the husband and, Respondent No.1 is the wife. The learned counsel appearing for the Petitioner submits that Respondent No.1 – wife is suffering from psychotic disorder, and therefore, it is not safe to allow Respondent No.1 to visit the child. It is submitted that sufficient material was placed on record before the learned Judicial Magistrate First Class, 2nd Court, Vashi, and also before the Appellate Court, which would clearly indicate that Respondent No.1 wife is suffering from psychotic disorder, and therefore, she may not be allowed to visit the child. The learned counsel for the Petitioner further submits that the impugned order is passed taking recourse to Section 21 of the Domestic Violence Act, and the said provision is

amenable to Section 31 of the said Act. It is submitted that when the child was interviewed by the learned JMFC, at that time also the child did not show his inclination to meet his mother. Therefore relying upon the pleadings in the Petition, grounds taken thereon as also the annextures thereto, the learned counsel for the Petitioner submits that the Petition deserves to be allowed.

3 On the other hand the learned counsel appearing for Respondent No.1 wife relying upon the reasons assigned by both the Courts below submits that upon appreciation of the material placed on record, both the courts below have concurrently held that Respondent No.1 wife can be allowed to visit the child in the presence of protection officer, and therefore, this Court while exercising writ jurisdiction may not cause interference in the impugned judgment and orders.

4 Upon appreciation of rival contentions and upon perusal of the reasons assigned by both the Courts below, it appears that the learned JMFC has seen the material placed on record including the video and other material which was shown to the Court of learned JMFC and thereafter has recorded his satisfaction that allowing Respondent No.1 wife to visit the child in the presence of protection officer would not create any problem. Upon perusal of the concurrent findings recorded by both the courts below, this Court is of the considered view that both the courts below have taken reasonable and

plausible view in consonance with the material placed on record and allowed Respondent No.1 wife to visit the child in the presence of protection officer. In my considered view, no case for interference in the extra ordinary writ jurisdiction of this Court is made out. The Writ Petition stands rejected.

[S. S. SHINDE , J]