

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.4739 OF 2018

Mrs. Nazma Begum Sayyed.] ... Appellant

Versus

The State of Maharashtra & Ors.] ... Respondents

Mr. Ganesh Gole i/b Mr. Aarif Ali M. Ali for Appellant.

Mr. H. J. Dedhia, APP for State.

Mr. Ritesh Ratnam for Respondent No.9.

Mr. Niranjana Mundargi a/w Mr. Shadab Peerzade i/b Mr. Munir Merchant for Respondent No.10.

CORAM :- INDRAJIT MAHANTY &
SARANG V. KOTWAL, JJ.

DATE :- JANUARY 16, 2019

P. C. :-

1. Heard learned Counsel for respective parties.
2. Pursuant to the earlier directions dated 17/12/2018, it appears that the Respondent No.9 (Mr. Mohd. Arif Belakia) appears in person as well as represented through learned Counsel Mr. Ritesh Ratnam. Affidavit has been filed by the Respondent No.9 in which in paragraphs 18 and 19, it has been stated thus :

- “18. That on 25.12.2018, my wife Nazma i.e. the petitioner herein was called at Bhivandi at said hospital, where Respondent No.7, representatives of Respondent No.8 and 9 were present and she was told to take me along with her. This is how I am able get release from illegal custody.
19. That, I am mentally fit and do not have any mental problem than too I was illegal kept at different places including this mental hospital and different types of medicines were given to me.”

3. Learned Counsel has entered appearance for Respondent No.10 (Mind Care Institute of Mental Health & Behavioral Science), the place where the Respondent No.9 was undergoing treatment and has also produced the record of his treatment. Learned Counsel appearing for the institution also submits that although the patient was discharged on 25/12/2018, the institution has been providing outdoor care and services to the Respondent No.9. We record our appreciation for the services rendered by the institution.

4. We also record our appreciation for the steps take by the police for compliance of our earlier directions and producing the said documents before us for consideration.

5. It appears that the Petitioner had approached this Court earlier in Writ Petition No.2951 of 2018 which was disposed of by this Court on 04/08/2018 by issuing certain directions. The police and the State shall do well to carry out such directions.

6. In the event the Respondent No.9 and / or the Petitioner have any other complaint, they are at liberty to approach the concerned police station and to bring the same to the notice of the authorities concerned and we are confident that necessary measures, as required, will be taken by the police in the said regard.

7. Since the Respondent No.9 is now living with his wife – Petitioner, the writ of Habeas Corpus no more survives for further consideration. With the aforesaid observations, the writ of Habeas Corpus stands disposed of.

(SARANG V. KOTWAL, J.)

(INDRAJIT MAHANTY, J.)