

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPW) NO. 54/2019
AND
CRIMINAL WRIT PETITION NO. 134/2019

Smt. Rajubai W/o Shambabu Chatravat,
..VS..

The State of Maharashtra, through P.S.O., Police Station Wani and others.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. T.G. Bansod, Advocate for the petitioner.
Mr. S.P. Deshpande, A.P.P. for the respondents Nos.1 and 2.
Mr. N.B. Rathod, Advocate for intervener.

CORAM : Z.A.HAQ, AND
PUSHPA V. GANEDIWALA, JJ.

DATED : 17th September, 2019

CRIMINAL APPLICATION NO. 54/2019

For the reason stated in the application, the petitioner is directed to implead the applicant as respondent No.4.

Criminal Application is **allowed** accordingly.

CRIMINAL WRIT PETITION NO. 134/2019

Heard.

A very serious issue arises in this petition. The petitioner is claiming that she is biological mother of female

detenu. According to the Investigating Agency, age of the female detenu is about 16 years but according to the petitioner, age of female detenu is about 20 years. The petitioner has prayed for writ of *habeas corpus* for producing the female detenu namely Ku. Khushi alias Kusum D/o Shambabu Chatravat. Presently, the concerned female detenu is in custody of respondent No.3/Karuna Mahila Vastigruh, Nagpur.

According to the Investigating Agency, and the newly added respondent No.4 on whose complaint action is taken by the police, the petitioner is not biological mother of the concerned female detenu. This Court had passed an order dated 25th February 2019, in compliance of which the Investigating Agency has conducted D.N.A. test and as per the reply filed by the respondent No.1, the report of D.N.A. test shows that the petitioner is not biological mother of the concerned female detenu. This Court had further directed that the documents i.e. Pan Card and Adhar Card, on which the petitioner relied to substantiate her claim that she is biological mother of the female detenu, are also fabricated.

The newly added respondent No.4 has expressed apprehension that, if the concerned female detenu is released from the custody of respondent No.3, there may be danger to her life.

Considering the facts brought on record, we propose to pass certain orders against the petitioner for abusing process of this Court by filing this petition on the false claim that she is biological mother of the concerned female detenu.

Learned advocate for the petitioner has made a grievance that copy of D.N.A. test is not supplied to him. Learned A.P.P. is directed to supply the copy of report of D.N.A. test to the Advocate for the petitioner within 03 days.

List the petition for further consideration/hearing on **01st October 2019**.

JUDGE

JUDGE

Kirtak