

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

CRIMINAL WRIT PETITION NO. 192/2019

Sapna D/o Ranjeet Tagade

..VS..

State of Maharashtra & ors.

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

Court's or Judge's orders

Shri S.M. Agrawal, Advocate for the petitioner
Shri T.A. Mirza, APP for the respondent no. 1

CORAM : Z.A.HAQ & VINAY JOSHI, JJ.

DATED : 14/03/2019

Heard.

By this petition under Articles 226 & 227 of the Constitution of India, the petitioner has prayed for writ of *habeas corpus* directing the respondents to produce her son – Rohit (aged about 16 years). By the order dated 07/03/2019, this Court, while issuing notice has directed that the respondent nos. 2 and 3 shall produce Rohit and accordingly, Rohit, as identified by the petitioner and her advocate, is produced before the Court.

Even according to the petitioner, Rohit is not residing with her since about 2010 after the petitioner and her husband started residing separately. The husband of the petitioner died on 30/01/2019. At present, Rohit is residing with the respondent nos. 2 and 3 (paternal aunt and uncle of Rohit).

An affidavit is filed on behalf of the respondent no. 1 and alongwith it, statement of Rohit is also filed. The learned APP has submitted that Rohit is not willing to reside with his mother.

Be that as it may, we are not going into the issue and are not examining whether Rohit is willing to reside with his mother or not, as in the facts of the case, we are of the view that the petitioner should approach appropriate forum for appropriate relief, and this is not fit case to direct the respondent nos. 2 and 3 in extra-ordinary jurisdiction to handover custody of Rohit to the petitioner.

Keeping all the issues open, the writ petition is **disposed**. No costs.

JUDGE

JUDGE

Ansari