

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.376 OF 2021

KARBHARI TANHAJI FULAWARE
VERSUS
THE SUPERINTENDENT OF POLICE, BEED AND OTHERS

...
Advocate for the Petitioner : Shri Lavte Amar V.
APP for Respondents 1 and 2 : Shri S.J. Salgare

...
CORAM : RAVINDRA V. GHUGE
&
B. U. DEBADWAR, JJ.

DATE :- 18th March, 2021

Per Court :-

1. On 15.03.2021, we had passed the following order:-
 1. *The petitioner is the biological father of missing adult son by name Rahul Karbhari Fulaware. It is the suspicion of the petitioner that respondent Nos.3 and 4 have kidnapped his son, who was driver on the tractor bearing registration number MH-23-AJ-1157. One Kailas Gaikwad is said to be the owner of the said tractor. Rahul was also said to be the driver on tractors of Bhagwat Sakharam Shelke bearing registration numbers MH-44-C-1508 and MH-44-C-1509, respectively.*
 2. *For the present, since this petition invokes a writ of habeas corpus, we are issuing notice to respondent Nos.1 and 2. The learned prosecutor waives service of notice.*
 3. *We direct respondent Nos.1 and 2 to submit a report as regards the whereabouts of the missing person Rahul Fulaware, on 18.03.2021.*
 4. *Stand over to 18.03.2021."*
2. The learned prosecutor submits that the missing person

Mr.Rahul Karbhari Fulaware, aged about 24 years, has been traced out and is brought to the Court by the Police Amaldar, Police Station, Dindrud, Taluka Majalgaon, District Beed. The communication dated 18.03.2021 along with the statement of the missing person dated 18.03.2021 (two pages) is placed on record and is marked as "X" collectively for identification.

3. We have perused the report of the Police Amaldar and the statement of the missing person. He categorically states that he was kidnapped by respondent Nos.3 and 4 along with 03-04 unidentified persons on 29.01.2021 and was taken to Bagalkot in the State of Karnataka where he was beaten up, physically abused and was threatened with murder if he complains against respondent Nos.3 and 4.

4. The learned prosecutor informs that the missing person has himself walked into the Police Station, Dindrud on 17.03.2021. His statement was, therefore, recorded on 18.03.2021 and he is being produced before the Court today.

5. The learned advocate for the petitioner/ father of the missing person, submits that the purpose for which this petition was filed, has been served.

6. We asked the missing person Mr.Rahul Fulaware as to where his wife is? And where would he reside? He submits that his wife is presently at Miraj, District Sangli where she has traveled for sugarcane

harvesting as a labourer and after she completes her work, she would come back to Aalapur, Taluka Majalgaon, District Beed. Until then, he would reside with his father/ petitioner herein at Aalapur.

7. Considering the above, this Writ Petition is disposed off. In the event, the missing person has any grievance against respondent Nos.3 and 4, he would be at liberty to lodge a police complaint.

kps

(B. U. DEBADWAR, J.)

(RAVINDRA V. GHUGE, J.)