

IN THE HIGH COURT OF BOMBAY AT GOA.

CRIMINAL WRIT PETITION NO.1 OF 2021.

SHELDON ROHAN

MICHAEL DSILVA

.... Petitioner.

VS

STATE OF GOA, THR. THE

OFFICE OF THE DIRECTOR

GENERAL OF POLICE AND 4 ORS

.... Respondents.

Shri Bazilio Pacheco, Advocate for the petitioner.

Ms. M. Correia, Addl. Govt. Advocate for the respondent nos.1 to 4.

Mr. I. Agha, Advocate for the respondent no.5.

Coram:- T.V. NALAWADE &

SMT. BHARATI H. DANGRE, JJ.

Date:-15th February, 2021.

ORDER (PER T.V. NALAWADE , J)

This petition filed for giving directions to the respondent no.5 to produced two minor daughters of the petitioner's before Court. Habeas corpus proceedings is filed against the wife by the petitioner. Admittedly the two issues are in the custody of the respondent-wife. Submissions made and record that this Court had given direction to ascertain that there is no illegal detention and girls are in proper custody. Fortunately, Hon'ble Smt. Justice Bharati Dangre was present when the inquiry was made with the girls and she is part of this Bench.

2. The information collected showed that girl aged about 15 years has no intention to go to the petitioner. Further the mother gave some undertaking

to see that daughters are properly protected. Thus, there is nothing on record to infer that the two daughters of the petitioners are illegally detained by the respondent no.5. Ordinarily in such circumstances, this Court could not have issued even notice but only to clear the doubts about the safety of the daughters some orders were made by this Court. This Court is satisfied that there is nothing to worry about. In the morning session this Court expressed that such proceedings cannot be entertained and relief claimed cannot be given in favour of the petitioner

3. In second session the learned counsel Shri B. Pachecho, representing the petitioner filed pursis and informed that he wants to withdraw his appearance in the matter. He has proceeded on record further communication dated 10.2.2021 to show that it has sent notice at the postal address of the petitioner but there is nothing like postal receipt or record to show that it was communicated to the party.

4. In view of the aforesaid nature of the matter, the proceedings which is Habeas corpus cannot be kept pending. It is nothing but delaying tactics of the petitioner and that has happened probably due to whatever was expressed by this Court in first session. Petition is dismissed.

SMT. BHARATI H. DANGRE, J.
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T.V. NALAWADE, J.