

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2865 OF 2021

Parth Sarathy Chakraborty

.... Petitioner

Versus

The State of Maharashtra & Others.

.... Respondents

....

Ms. Vritee Ssoni, Advocate i/b. Aashutosh Srivastava, for the
Petitioner.

Ms. M.H. Mhatre, APP for the Respondent-State.

....

**CORAM : NITIN JAMDAR AND
SARANG V. KOTWAL, JJ.**

DATE : 05 OCTOBER 2021

P.C.

Heard the learned Counsel for the Petitioner.

2. The Petitioner is seeking a writ of the nature of *habeas corpus* to direct the Respondents to produce his son Vedant. The allegation of the Petitioner is that the child Vedant who is in the custody of Respondent No.3, his wife (mother of the child), is illegally detained.

3. Having perused the averments made in the Petition, we do not find that the child aged five years, who is with his mother, can be considered as in illegal detention or under unlawful restraint for writ of *habeas corpus* to be issued.

4. The learned Counsel for the Petitioner informs that the Petitioner has already approached the Family Court for visitation rights and for custody of the child. In light of this position, there is no any reason for us to entertain this Writ Petition. Keeping all contentions of the Petitioner open to be agitated in the appropriate Court, the Writ Petition is disposed of.

Digitally signed
by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
2021.10.08
14:39:44
+0530

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)

Deshmane (PS)