

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1933 OF 2021

Sahajad Jamal Khan

...Petitioner

vs.

The State of Maharashtra and Others

...Respondents

Mr. Nikhil Pujari, for the Petitioner

Mrs. Sangita Shinde, APP for the Respondent-State.

Mr. Pansare, DCP Zone-3, Kalyan a/w. Mr. Kumbhar, P.I.,
Kolsewadi police station present through Video Conferencing.

CORAM : **S. S. SHINDE &
 N. J. JAMADAR, JJ.**

DATE : **JUNE 08, 2021**
(THROUGH VIDEO CONFERENCING)

P.C.:

- . Not on board. Upon mentioning taken on board.
2. Heard the learned counsel for the parties.
3. By this Petition under Article 226 of the Constitution of India, the Petitioner, who claims to be the father of a minor girl has sought reliefs in the nature of effective investigation in C.R. No.50 of 2021 registered with Kolsewadi police station for the alleged kidnapping out of lawful guardianship of his minor daughter by an unknown person. In the F.I.R. it was reported that the minor was born on 30th November, 2005. On 8th February, 2021 she left the home on the pretext of attending beautician

class but did not return.

4. The Petitioner alleged that the police have not conducted effective investigation and the said minor has not been traced by the police despite lapse of considerable period. Hence, this Petition seeking proper investigation and, if required the transfer of the investigation to another agency like Crime Branch.

5. In the meanwhile, name of an accused surfaced. Having regard to the nature of the Petition, by an order dated 27th May, 2021, this Court directed the investigating agency to make necessary enquiry from the Aunt of the accused, namely Smt. Laxmi Gaikwad, who was residing behind Netivali police chowki, Jay Bhavani Nagar, Netivali, Kalyan(E) and submit report to this Court on or before 1st June, 2021.

6. Today DCP Zone-3, Kalyan, has produced the minor girl through video conferencing. It was submitted that the girl was found at Wai. We have interviewed the child. She made certain statements as to the circumstances in which she was found at Wai.

7. As the investigation is in progress, we refrain from making any observations. It would be suffice to note that the circumstances in which the girl child left the parental home and

was found away at Wai indicate that the girl is a child in need of care and protection.

8. In the circumstances of the case, in the backdrop of the fact that the minor girl was traced at Wai, far away from her parental home, we deem it appropriate to direct that the child be produced before the jurisdictional Child Welfare Committee forthwith and in any event by tomorrow, 9th June, 2021, so that appropriate orders in conformity with the provisions contained in Juvenile Justice Act, 2015 are passed by the Child Welfare Committee.

9. Since the child is traced, the Respondent Nos. 3 and 4 shall carry out necessary investigation in C.R. No. 50 of 2021, registered with Kolsewadi police station, Kalyan(E), in right earnest.

10. Consequently, the Petition having served out its purpose substantially, deserves to be disposed of.

11. The Petition accordingly stands disposed of.

12. All concerned shall act on the authenticated copy of this order.

(N. J. JAMADAR, J.)

(S. S. SHINDE, J.)