

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Amk

WRIT PETITION NO. 6266 OF 2019

Mrs. Swarupa Anil Lodha & Anr. .. Petitioners
Vs.
The State of Maharashtra .. Respondent

Mr. Kishor D. Walanju appointed for the Petitioners.
Mrs. S. D. Shinde, APP for the Respondent-State.

CORAM : S. S. SHINDE & MANISH PITALE, JJ.
DATE : 23rd FEBRUARY, 2021.

P. C. :

1. Not on board. Upon mentioning taken on board.
2. Writ Petition is filed with following prayers:
 - a. Be pleased to direct the Respondent and other competitive authorities to provide medical treatment to Petitioner No.2 until he fully recovered from Bipolar Mood Disorder and other mental disorders and attains sound mind to represent/defend criminal cases filed against him in various Courts mentioned in the body of the Petition;
 - b. This Hon'ble Court be pleased to stay all further proceedings in (1) R.C.C. No. 922/2012, (2) R.C.C. No. 86 of 2013, (3) R.C.C.No. 358 of 2015 and (4) R.C.C.No. 1179 of 2019 pending before learned J.M.F.C., Pimpri, Pune (5) R.C.C.No. 215 of 2013 pending before J.M.F.C., Khadki, Pune and (6) R.C.C. No. 1411 of 2016 pending before learned Court Room No. 4, J.M.F.C., Pune, till the Petitioner No.2 attains sound mind to represent/defend the criminal cases filed against him;
 - c. Interim/ad-interim relief in terms of prayer clause (a & b) may kindly be granted;
 - d. Any such other reliefs as this Hon'ble Court may deems fit and proper be granted in the interest of justice;
3. It is admitted position that after filing this Petition, the Petitioner No.2 is released on bail. Therefore, there is prayer

Clause (b) in the Petition praying therein to stay of further proceedings in the (1) R.C.C. No. 922/2012, (2) R.C.C. No. 86 of 2013, (3) R.C.C.No. 358 of 2015 and (4) R.C.C.No. 1179 of 2019 pending before learned J.M.F.C., Pimpri, Pune (5) R.C.C.No. 215 of 2013 pending before J.M.F.C., Khadki, Pune and (6) R.C.C. No. 1411 of 2016 pending before learned Court Room No. 4, J.M.F.C., Pune.

4. It appears that there are as many as six cases pending against the Petitioner No.1's son, namely, Darshan Swarupa Lodha. Learned APP informs this Court that Petitioner No.2 Darshan Lodha is not attending the proceedings pending before the various Courts. We cannot accede to the prayer Clause (b) in the Petition. Son of the Petitioner No.1 is bound to appear before the said Courts as and when his presence is required.

5. Learned APP has tendered across the bar a report dated 18.01.2020 submitted by the Class I Psychiatrist, Yerwada Central Prison, Pune-06 wherein it is stated that prisoner Darshan Lodha does not have psychopathology. Currently he is not suffering from any mental illness. Hence psychiatric treatment need not be given to him at present. The report is taken on record and marked 'X' for identification.

6. In the light of above and since prisoner Darshan Lodha is on bail, there is no reason to admit this Petition. Hence, The Petition stands disposed of.

[MANISH PITALE, J.]

[S. S. SHINDE J.]

Arjun
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Kadam

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