

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CRIMINAL APPLICATION (APPW) NO.286/2019

AND

CRIMINAL WRIT PETITION NO.635/2019

Mangesh s/o Prakash Lokalkar

..vs..

The State of Mah., thr. PSO Rajapeth, Amravati and ors

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

.....
Shri A.Mirza, Counsel for the Petitioner.
Shri S.M.Ghodeswar, Addl.P.P. for R-1/State.

**CORAM : V.M.DESHPANDE &
ANIL S.KILOR, JJ.**

DATED : JANUARY 5, 2021.

1. Heard learned counsel Shri A.Mirza for the petitioner and learned Additional Public Prosecutor Shri S.M.Ghodeswar for respondent No.1/State.
2. This writ petition, under Article 226 of the Constitution of India, was filed seeking issuance of a writ of *habeas corpus* with following prayers:

“(a) A writ of habeas corpus be issued against the respondent Nos.2 to 5.

(b) Respondent No.1 to 5 be directed to produce the wife and the children of petitioner before this Hon’ble Court.

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(c) Respondent Nos.2 to 5 be directed to release the petitioner wife and the children from their unlawful confinement/restraint.

(d) Grant any other relief deemed fit and proper under the facts and circumstances of the case.”

3. On 15.10.2019, this Court (Coram : Z.A.Haq & Pushpa V.Ganediwala, JJ.) passed following order:

“Heard.

Issue notice to the respondents, returnable on 18/11/2019.

Ms.S.V.Kolhe, learned Additional Public Prosecutor waives notice for the respondent No.1.

The respondent No.1/State is directed to produce Mrs.Reshma Mangesh Lokalkar alongwith her children namely Pawan Mangesh Lokalkar, aged about 11 years and Janvi Mangesh Lokalkar, aged about 7 years on the returnable date.”

4. Thus, the State was directed to produce persons as named in the said order.

5. When the petition was listed on 13.11.2019, on the said date following order was passed by this Court (Coram : Z.A.Haq and M.G.Giratkar, JJ.):

.....3/-

“As per the order dated 15th October, 2019, Mrs.Reshma Mangesh Lokalkar [wife of petitioner], Pawan and Jhanvi [children of petitioner] are produced by the respondent no.1. Mrs.Reshma Mangesh Lokalkar stated that she is constrained to move to her sister’s house at Vijaywada along with her children because of the ill-treatment and harassment by the petitioner.

Shri P.W.Mirza, Adv., seeks time on behalf of Adv., for the petitioner, on the ground that he is not available today, and that the matter was not on board.

The respondent no.1 is directed to let go Mrs.Reshma Mangesh Lokalkar, Pawan and Jhanavi.

List the petition for further consideration/hearing on 22nd November, 2019.”

6. Thus, on 13.11.2019, the wife of the petitioner and his children were produced before the Court. However, counsel for the petitioner sought time because he was not available and, therefore, this Court directed respondent No.1 to let go persons named in the order.

7. During the pendency of this writ petition, the petitioner filed application, i.e. Criminal Application No.286/2019, for permission to withdraw the writ petition. In the said application, it is stated that in view of subsequent

developments, the petitioner does not wish to proceed with the writ petition and wish to exhaust alternate remedy.

8. In our view, as per directions given by this Court on 15.10.2019, the State produced the wife and children of the petitioner in pursuance to writ issued of *habeas corpus*.

9. In view of aforesaid happenings in this matter, we see no impediment for allowing the petitioner to withdraw this writ petition. Consequently, the criminal writ petition is disposed of as withdrawn. Also, the criminal application stands disposed of accordingly.

JUDGE

JUDGE

!! BRW !!

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