

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**CRIMINAL WRIT PETITION NO. 2112 OF 2019**

Sarla Dnyaneshwar Mali ..PETITIONER

VERSUS

Rupali Dnyaneshwar Mali and Others ..RESPONDENTS

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Mr. S.S. Patil, Advocate for petitioner

Mr. C.P. Patil, Advocate for respondent nos. 1 to 3

Mr. R.B. Bagul, A.P.P. for respondent no.4 - State

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**CORAM : R.G. AVACHAT, J.**

**DATED : 24<sup>th</sup> JANUARY, 2022**

**PER COURT :**

1. Heard.

2. Learned counsel for the petitioner urged for allowing the petition on merits. According to him, petitioner is the mother of child - Rupali. This is a petition taking exception to the order refusing to grant application under Section 97 of the Code of Criminal Procedure. It was the case of the petitioner that Rupali was mentally challenged and she was taken out of her custody by Respondent No.2 herein.

3. Learned Magistrate was pleased to reject the said application vide order dated 07<sup>th</sup> September, 2019. The said order has been affirmed by the

learned Additional Sessions Judge vide order dated 09<sup>th</sup> December, 2019 in Criminal Revision No. 77 of 2019.

4. From the record it appears that Rupali was major and she eloped with Respondent No.2 and married him. It is informed that the couple has been living happily and now blessed with a baby girl - Shravani. There is no material to indicate that Rupali was really mentally challenged and she was taken out of custody of the petitioner without her consent. Both the Courts below have, with sound reasons, rejected the applications moved under Section 97 of the Code of Criminal Procedure. This Court has no reason to take a different view. Writ petition, therefore, fails. Same is dismissed.

**( R.G. AVACHAT, J. )**

SSD