

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 787 OF 2022
IN
CRIMINAL WRIT PETITION NO. 3237 OF 2013

Dr. Rajalaxmi Pramod Walavalkar ...Applicant

V/s.

Madhusudan @ Amol Dalvi And Anr. ...Respondents

Smt. Shubhada D. Khot, for the Applicant/Original Respondent.

Ms. J.S.Lohakare, APP, for the Respondent-State.

Ms. Sangeeta Salvi, for Respondent No.1/Original Petitioner

CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.DATE : 22nd NOVEMBER, 2022.PC:-

. Leave to amend prayer clause.

Amendment be carried out forthwith and in any event during
the course of day.2. By the present Interim Application, Applicant/Original
Respondent in the aforesaid Petition has prayed for the following relief:*“ 15(a) The condition imposed in the order dated 25.09.2013
passed by this Hon’ble Court in Criminal Writ Petition
No.3237 of 2013, may kindly be suitably relaxed.”*3. In the said Order dated 25th September 2013, the learned
counsel appearing for Respondent No.1/Original Petitioner on instructions,

had made a solemn statement before this Court that, the child would not be removed from the jurisdiction of this Court during the pendency of the said Petition.

4. Smt. Khot, learned counsel for the Applicant submitted that, when the said statement was made before this Court, the said child i.e. Miss. Mihika was aged about two years. That the said child is about 11 years old as of today and for the purpose of her education as well as excursion, she is required to travel outside the jurisdiction of this Court and therefore the Applicant may be permitted to withdraw the said statement. She further on instructions submitted that, in any event the Applicant will not take the said child, i.e. Miss. Mihika, out of India without prior permission of this Court.

The said statement is accepted.

5. Learned counsel appearing for the Respondent No.1/Original Petitioner on instructions submitted that, the Respondent No.1/Original Petitioner has no serious objection about modification and/or permitting the Applicant to withdraw the said statement and to substitute it as noted above.

6. In view thereof, Para-2 of Order dated 25th September 2013 is modified to that extent and the Applicant is permitted to take the said child, i.e. Miss. Mihika, anywhere in India for the purpose of education and excursion, so also for pleasure trips with the Applicant.

7. Application is allowed in the aforesaid terms.
8. Applicant is directed to provide itinerary whenever she intends to send her child for educational purposes or excursion or for pleasure trip within India, preferably at least 48 hours in advance to the Respondent No.1/Original Petitioner.

(PRAKASH D.NAIK, J.)

(A.S. GADKARI, J.)