

JPP

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

CRIMINAL WRIT PETITION NO. 3610 OF 2021

Naveen Ramakant Chomal ... Petitioner
V/s.
The State of Maharashtra and Ors. ... Respondents

***WITH
INTERIM APPLICATION NO. 876 OF 2022
IN
CRIMINAL WRIT PETITION NO. 3610 OF 2021***

Nasreen Alias Sufi nazir Sheikh ... Applicant
V/s.
The State of Maharashtra and Ors. ... Respondents

***WITH
INTERIM APPLICATION NO. 2826 OF 2021
IN
CRIMINAL WRIT PETITION NO. 3610 OF 2021***

Saba Shamsullah Choudhary ... Applicant
V/s.
The State of Maharashtra and Ors. ... Respondents

Mr. Rajesh Jadhav h/f. Nasreen Chomal for the Petitioner
Mr. Mubin Solkar a/w. Aamla Sopariwala i/b. Tahera Qureshi for the
Intervener in IA 2826/21
Mr. Nitesh Acharya a/w. Q.S. Kapasi for Respondent No.5
Mr. Kotesch Reddy for the Applicant in IA 876/22
Ms. Jaygun Khatoon is present in Court.

***CORAM : NITIN JAMDAR &
N.R. BORKAR, JJ.***

DATE : 07 JULY 2022

P.C. :-

This Petition is moved for habeas corpus. The Petitioner in this Petition is an Advocate. He has sought a relief of habeas corpus in respect of a girl Ms. Jaygun Khatoon stated to be minor.

2. When the Petition came up on board on 12 October 2021, the following order was passed :-

“ The learned Counsel for the Respondent No.5 seeks time to file reply affidavit. The learned Counsel for the Respondent No.5 takes an objection to the locus of the Petitioner. The Petitioner-in-person who is an Advocate accepts that his task is only to bring to the notice of the Court the facts and nothing more.

2. The learned Counsel for the Respondent No.5 and the learned P. P. inform the Court that the concerned girl is present in the Court. The learned P.P. states that she had interacted with the girl who has informed the learned P.P. that she is the wife of the Respondent No.5.

3. Stand over to 21 October 2021.”

3. We had recorded that the Petitioner therein was only the informer and also recorded that the girl had stated that she is the wife of Respondent No.5. The Intervention Applications have been moved in this Petition putting forth various versions. The learned Counsel appearing for the Applicant in Intervention Application No. 2826 of 2021 states that the legality of the marriage of the corpus in light of existence of earlier marriage is disputed. It is not the scope of purpose of the habeas corpus petition to decide the complicated question of fact which is sought. The Petition is moved at the behest of an Advocate, who is not in any relation of the corpus. We are informed that the corpus is present in the Court. It is not demonstrated that the corpus is illegally detained.

4. In the light of the order dated 12 October 2021, we dispose of the Petition leaving it open to the Interveners to pursue their remedies in law. The Petition is accordingly disposed of. The Interim Applications are also disposed of.

N.R. BORKAR, J.

NITIN JAMDAR, J.