

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3406 OF 2022**

Prashant Deepak Wadekar ...Petitioner
Versus
Pranoti Prashant Wadekar And Anr. ...Respondents

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Mr. Kalpesh U. Patil, Advocate for the Petitioner
Mr. Avinash Fatangare, Advocate for the Respondent No.1.
Mr. M.G. Patil, APP for the Respondent – State.

CORAM : PRAKASH D. NAIK, J.
DATE : 20th SEPTEMBER, 2022.

PER COURT:

1. Learned Advocate for the petitioner submit that the limited prayer sought in this petition is that the custody of the child be handed over to the petitioner to appear for. The exam has began on 19th September, 2022 and it would be over on 30th September, 2022. The school is situated at Talegaon, Dabhade.

2. Learned Advocate for the Respondent submitted that Respondent No.1 is residing at Satara. The trial Court has handed over the custody of the child to the Respondent No.1 vide order dated 22nd August, 2022. Pursuant to that the child is admitted in school at Satara. As per the National Counsel of Education Research and Training the children shall not be subjected to any test, upto sixth standard. The child is studying in Junior K.G. Learned Advocate produced the admission form as well as the deposit receipt school fees. The photo copies are taken on record

and marked as 'X' and 'X-1' for identification.

3. Learned Advocate for the petitioner submitted that order passed by the learned Magistrate is challenged before Sessions Court by preferring an appeal. The petitioner has also preferred an application for interim relief. The said application is adjourned from time to time. The hearing of the said application may be expedited.

4. In these circumstances, the relief prayed in this application for handing over custody for a limited period to attend the examination is rejected. The hearing of interim application preferred by the petitioner seeking interim stay to the impugned order passed by the trial Court is expedited and the appellate Court is requested to dispose off the said application within one month from receipt of this order. It is made clear that this petition was adjudicated only on the issue of custody of the child for temporary period for answering examination. No other issues are dealt with by this Court.

5. Petition is disposed off.

(PRAKASH D. NAIK, J.)