

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

CRIMINAL WRIT PETITION NO.530 OF 2023

[Karinakaur w/o Jagirsingh Bhawe ..V/s.. State of Maharashtra and Anr.]

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

Court's or Judge's order

Mr N. R. Tekade, Advocate for Petitioner.
Mr V. A. Thakare, APP for Respondent No.1/State.

CORAM : VINAY JOSHI AND VALMIKI SA MENEZES, JJ.

DATE : 8th AUGUST, 2023.

. In pursuance of our earlier order, the Police have brought a minor male child aged 14 months along with father before us. We have already taken a note that by virtue of interim judicial order passed by Magistrate in DV Proceedings, the temporary custody was given to the mother. Besides that there is no dispute that a child is just barely 14 months old. We have explained to the respondent No.2 (father) that there is a judicial order for handing over custody which has to be obeyed. If, he is not satisfied with the said order, he can approach to the concerned Magistrate for seeking variance of the order. The respondent No.2 (father) understood the matter and showed his willingness to hand over custody of child to the mother. Accordingly, in our presence, the respondent No.2 has handed over the custody of a child to the mother.

2. In view of the above, the criminal writ petition is disposed of. We make it clear that we have not expressed anything about the entitlement of custody, since the same is subjudice before the competent Court i.e. the Judicial Magistrate First Class, Desaijanj, District Gadchiroli, who is free to pass appropriate orders.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)