



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

942 CRIMINAL REVISION APPLICATION NO. 322 OF 2022

Shafik Shah Yusuf Shah
VERSUS
Shabana Shafik Shah

...
Advocate for Applicant : Mr. Kanade Angad L.

.....

CORAM : SANJAY A. DESHMUKH, J.
DATED : 10th APRIL, 2024.

PER COURT :-

1. This revision application is filed challenging the order dated 18.8.2022 passed by the learned Additional Sessions Judge, Aurangabad in P.W.D.V.A. appeal No. 59 of 2022 and the order dated 29.03.2022 passed by the learned J.M.F.C. Kannad in Criminal M.A. No.456 of 2021.

2. The respondent herein had filed an application Exh.4 in Criminal M.A. No.456 of 2021 for interim custody of the children i.e. (I) Arshad Shafiq Shah, Age 7 years and (ii) Ashif Shafiq Shah, Age 5 years. The learned J.M.F.C. Kannad, by order dated 29.3.2022 allowed the application Exh.4. The appeal bearing P.W.D.V.A. appeal No. 59 of 2022 preferred by the present applicant against the order dated 29.3.2022, was dismissed by the learned Additional Sessions Judge, Aurangabad.

3. Learned advocate for the applicant submitted that the applicant's visiting right was not considered by the learned trial court as well as the appellate court. The children are in the custody of the applicant. He submitted that the visiting right be granted to the applicant. Considering peculiar set of facts of the case, the applicant being father of the children, he can be granted the visiting rights.

4. Though the respondent is duly served, however, absent.

5. Considering all facts and circumstances of the case, it would be proper to direct the respondent to produce the children for visiting to the applicant on each and every dates fixed before the trial court and applicant be allowed to visit the children in the court premises. The revision application is therefore, partly allowed to the extent of granting visiting rights to the applicant, as under:-

6. The applicant is entitled to visit the children viz. (i) Arshad Shafiq Shah, Age 7 years and (ii) Ashif Shafiq Shah, Age 5 years, till the decision of the Criminal M.A. No. 456 of 2021 pending before the learned J.M.F.C. Kannad.

7. Criminal revision application is disposed of.

(SANJAY A. DESHMUKH, J.)