

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1263 OF 2024

Siddharth Subramaniam .. Petitioner
Versus
The State of Maharashtra and anr .. Respondents
...

Ms. Krupali Rajani for the petitioner.
Mr. D.J. Haldankar, APP for the State.
Mr. Siddharth Subramaniam, petitioner present in Court.
Ms. Supriya Malpani, respondent (thr. V.C.) present in Court.

CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 2nd JULY, 2024

P.C:-

1 While hearing the counsel for the petitioner, who has filed the Writ Petition seeking issuance of Writ of Habeas Corpus, as regards the production of his minor child aged 6, our attention is invited to the judgment of divorce passed by the New York Court, which also include the aspect of child custody, as provided in Article XVII, we have perused the said part of the judgment, which definitely makes the father entitle to have timely access of the child, to be availed in the manner that is set out by the judgment.

The Petitioner has grievance that since November, 2023, he has no access to the child, though this statement is specifically denied by the respondent no.2, who has marked her appearance online.

As a short term arrangement and to establish the bond between the father and the daughter, we deem it appropriate to permit the petitioner to visit Gwalior on 6th and 7th July, 2024, and upon his visit, the respondent no.2, shall ensure that the daughter is allowed to stay with the petitioner, who may be accompanied with his mother, depending upon her health parameters.

For availing the access, the petitioner shall in advance communicate to the respondent no.2, the place or location, where he shall be staying with the daughter. The temporary custody of the daughter shall be handed to the petitioner by the respondent no.2, at 10:00 a.m on 6th July 2024 and the daughter shall continue to be in his company till 5:00 p.m. of 7th July 2024.

2 At this stage, we deem it appropriate that this direction shall suffice, though we intend to list the Writ Petition for further hearing on 23/07/2024, when we would like to consider the legal aspect of the judgment of divorce delivered by the New York Court and the tactical implementation of the direction has been held.

(MANJUSHA DESHPANDE,J)

(BHARATI DANGRE, J.)