

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2992 OF 2024

Poshetty Pedda Belgula and anr .. Petitioners
 Versus
 The State of Maharashtra and ors .. Respondents

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Mr. Abhijit Kadam i/b Mukesh Dongarge for the petitioner.
 Mr.Devang Vyas, ASG, with Anusha P. Amin, Sheelang Shah and
 Jalaj Prakash for Union of India.
 Ms.Ankita Singhanian with Ms.Risha Alva i/b Argus Partners for
 respondent no.3.
 Mr.Dilip Tejankar, Police Inspector, Crime Branch Unit II,
 Mumbai, present.
 Mr.Mahadev Sawant, Chair Person, CWC present.
 Mr.S.V. Gavand, APP for the State.
 Mr.Sunil Arora from Bal Asha Trust present.

CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 14th AUGUST, 2024

P.C:-

1 We have heard the learned ASG, who has guided us
 through the scheme of the statute and also the Central Adoption
 Resource Authority (CARA) Regulations issued by the Ministry
 of Woman and Child Development, which are presently in force.

He has also placed reliance upon some decisions which we have taken on record.

2 We have already heard the counsel for the petitioner and Ms.Singhania appearing for respondent no.3, and we deem it appropriate to list the petition for passing orders on 22/8/2024.

However, our attention is invited to Section 38 of the Act of 2015, which has set out the procedure for declaring a child legally free from adoption and though the child is received by CWC on 10/6/2024, the CWC has not yet declared the child legally free from adoption, despite expiry of period of two years, since the child is below two years of age.

3 Mr. Gavand, the learned APP representing the CWC, could not offer any explanation for not taking such steps but we shall only clarify ourselves, by stating that we have not granted any stay to the process to be adopted by the CWC for declaring the child to be legally free for adoption.

Re-notify to 22/8/2024 for passing orders.

(MANJUSHA DESHPANDE,J)

(BHARATI DANGRE, J.)