

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3175 OF 2024**

Annapurna w/o Harikrishna Mohanty
(On behalf of minor – Sopna Behera) .. Petitioner

Versus

The State of Maharashtra And Ors. .. Respondents

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Ms. Gauri Joglekar a/w Ms. Shama Shekh, Mr. Praful Patil i/b
Ms. Devki Sahu, for the Petitioner.

Ms. M. M. Deshmukh, A.P.P. for the State/Respondent.

Mr. D. S. Sanap, A.P.I. Manpada Police Station, is present.

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**CORAM : BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.**

DATED : 25th JULY, 2024

P.C:-

1. The Petitioner praying for issuance of a Writ in nature of Habeas Corpus for production of her grandchild, a minor girl, who is victim under the Protection of Children from Sexual Offences Act, raises two legal issues; the first being whether the C.R. No. 771 of 2024, registered with Manpada Police Station on 15.06.2024, on the complaint of the minor girl resulting into invocation of Section 354 of the Indian Penal code and Sections 8, 10 and 12 of the POCSO Act, could be investigated by the Manpada Police Station or it deserve a transfer on the ground that the incident alleged had occurred

within the jurisdiction Avalahalli Police Station, Bengaluru Rural District. The second question that arises for consideration is, when the minor girl was produced before the Child Welfare Committee (“CWC”), Ulhasnagar, whether her custody can be retained or as contended by the counsel for the Petitioner, since an attempt is made to transfer her custody to CWC, Bengaluru, whether this course of action is possible.

2. On hearing the learned counsel for the Petitioner and perusal of the Petition alongwith the subject FIR registered with Manpada Police Station, we deem it appropriate to direct CWC, Ulhasnagar not to transfer the minor girl or hand over her custody to any person including any officials of CWC from Karnataka, till the further orders are passed by this Court.

In addition, we would also like to have a report placed before us from CWC, Ulhasnagar, about the physical and mental health status of the minor girl, including the activities which are entrusted to her, since it is informed that since 14.06.2024 the girl is in custody of CWC, Ulhasnagar.

3. We expect the said report to be placed before us on 30.07.2024. The above order shall be communicated to the CWC through the learned A.P.P.

Re-notify to 30.07.2024.

4. Parties to act on the authenticated copy of this order.

(MANJUSHA DESHPANDE,J.)

(BHARATI DANGRE, J.)

Chaitanya