



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.805/2023

Sau. Ashwini w/o. Pravin Kharat

Vs.

The State of Maharashtra and Ors.

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

Court's or Judge's orders

Mr. M. V. Rai, Advocate for Petitioner.

Mr. A. B. Badar, A.P.P. for Respondent(s)/State.

Mr. A. J. Thakkar, Advocate for Respondent No.3.

CORAM : VINAY JOSHI AND MRS.VRUSHALI V. JOSHI, JJ.

DATED : 19/01/2024.

. Not on board. Taken on board.

2. Heard.

3. Though ultimately the object has been achieved, however, we expressed our displeasure against the erring party. Today, Investigating Officer Ms. Priya Umale, P.S.I., Anti-Human Trafficking Unit (AHTU), Buldhana has appeared before us with a minor child aged two years. It is informed that the child was placed in abandoned condition in the Court premises of Judicial Magistrate, First Class, Deulgaon Raja. The intimation was received by the Investigating Officer through local police and finally, the child has been traced.

4. Initiation was at the instance of mother of child, who sought prerogative writ of habeas corpus alleging that her nineteen months old male child has been forcibly snatched and confined by her husband. We have issued notice, in pursuance of which, the husband has appeared. Both have blamed the rival for concealment of the child

and equally urged to investigate. We have directed Investigating Officer to trace out the child. Continuous effort was made, however, child was not traced. Since we were more concerned about safety of child, we have handed over the investigation to Local Crime Branch (L.C.B.) with an urge to make thorough investigation to trace the child.

5. We have perceived that either husband or wife someone is lying and keeping the child in concealment and making a scene before us that the child is in the custody of a rival. We are not concerned with the rival claims of husband and wife but in order to see the safety of the child aged nineteen months, we repeatedly directed the investigating agency to make a thorough search.

6. L.C.B. swing in to action, but in the meantime, the miscreant has left the child in the Court of Judicial Magistrate, First Class, Deulgaon Raja and went away. In the result, the Court officials gave intimation to the Local Police, in turn, L.C.B. was informed and thus, today, the child is before us. We are sure that successive orders passed in the open Court has perhaps persuaded erring party and took such a step of placing the child in the Court. Be that as it may, the child is now safe and sound. As per our directions, in our presence, the child has been placed in the custody of the mother. Since, it is the matter of concern and erring person has made a false statement in the Court disclaiming the custody, we direct the L.C.B. to probe further and take the matter to the logical end.

7. In view of above, the petition stands disposed of.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)