

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.846 OF 2025

Mahesh Ravindra Vhatkar	...Petitioner
<i>Versus</i>	
Sushma Mahesh Vhatkar & Anr.	...Respondents

Mr. Pramod G. Kathane a/w. Ms. Muzayyana B. Shaikh, Moeiz Khot
and Mr. Amol Ghurde, for the Petitioner.
Mr. A. R. Metkari, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 26th FEBRUARY 2025

PC:-

1. Heard Mr. Pramod Kathane, learned Counsel appearing for the Petitioner and Mr. Metkari, learned APP appearing for the Respondent No.2-State.

2. By the present Writ Petition filed under Article 227 of the Constitution of India, the challenge is to the legality and validity of the order dated 24th September 2024 (wrongly typed as 24th September 2023 in the impugned order) passed by the learned Additional Sessions Judge, Islampur below Exhibit-5 in Criminal Appeal No.21 of 2024. By the impugned order, the learned

Additional Sessions Judge, Islampur has rejected the Application seeking stay of implementation of the order dated 4th May 2024 passed by the learned J.M.F.C., Islampur below Exhibit-4 in Criminal Miscellaneous Application No.3 of 2024. By the said order dated 4th May 2024, learned J.M.F.C., Islampur directed that custody of three daughters shall be handed over to the Respondent-mother. While rejecting the stay application, learned Additional Sessions Judge, Islampur has observed that the Petitioner is convicted for the offence under the Narcotics Drugs and Psychotropic Substances Act, 1985 (“**NDPS Act**”).

3. Although it is the contention of Mr. Kathane, learned Counsel appearing for the Petitioner that the Petitioner has been released on bail by the order dated 9th August 2023 passed by a learned Single Judge in Criminal Appeal No.500 of 2022, it cannot be overlooked that the Petitioner has been convicted in a serious offence under the NDPS Act.

4. Accordingly, no case is made out for interference under Article 227 of the Constitution of India.

5. The Writ Petition is dismissed, however, with no order as to costs.

[MADHAV J. JAMDAR, J.]