

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3425 OF 2025

Hemant Jijaba Nipane

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. Abhilash Kurey i/b Mr. Arvind Jaiswar for the Petitioner.

Mr. J.P. Yagnik, APP for Respondent/State.

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**CORAM : RAVINDRA V. GHUGE AND
M.M. SATHAYE, JJ.**

DATE : 3rd JULY, 2025

P.C. :

1. The Petitioner has preferred this petition for invoking a Writ of Habeas Corpus. He claims that a woman who has purportedly adopted him as her son, namely Kalabai Jijaba Nipane, has been abducted by Respondent No.3 Vilas Ganpat Jagtap and Respondent No.4 Malan Jagannath Jagtap.

2. When this matter was heard yesterday, the learned Advocate for the Petitioner submitted on instructions that he is aware that Kalabai was residing with Vilas Jagtap and Malan Jagtap. He is also aware that she is residing in Satara along with these two persons. We, therefore,

called upon the learned APP to pass on the instructions to the concerned police station, which is Satara Taluka Police Station and record the statement of Kalabai.

3. Today, the learned APP has placed on record a compilation of six pages comprising of a communication from the Police Havaladar dated 02.07.2025 addressed to the learned APP. 3rd page is the statement of Kalabai. On the 4th page, statement of Malan Jagannath Jagtap was recorded. Page Nos. 5 and 6 are the colour photographs indicating that the police constable had reached the residence of Kalabai along with a typing machine and a printer and her statement was recorded, typed out and a printout was taken. Witnesses have also signed. The said compilation is collectively marked as 'X', for identification.

4. Considering the pleadings in the Petition and the statement of Kalabai, we find that there are several disputed issues, more so connected with the property of Kalabai since her husband Jijaba has passed away. Kalabai has stated in her statement that she never had the desire to adopt the Petitioner Hemant Anant Nipane (now claiming to be Hemant Jijaba Nipane). She was lured by Hemant along with her husband Jijaba and they had approached a Notary at Satara. The

documents indicating adoption of the Petitioner was created and her thumb impression was affixed on the said documents. It is also stated that the Petitioner has thereafter withdrawn the savings of Kalabai from the bank and the Post Department, by misleading her. She is residing of her own volition and desire at Nigudmal, Taluka and District Satara, along with Vilas who is her grandson and Malan, who is her niece.

5. In view of the above, the learned Advocate for the Petitioner submits that he desires to withdraw the Petition and he may avail of a legal remedy as may be permissible in law.

6. In view of the above statement, **this Petition is disposed off as withdrawn on instructions.**

(M.M. SATHAYE, J.)

(RAVINDRA V. GHUGE, J.)