

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

CRIMINAL WRIT PETITION NO. 896/2024

(Jaya D/o Janardhan Dhokare Vs. State of Maharashtra & anr.)

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

Court's or Judge's orders

Mr. N. T. Gwalwansh, Advocate for petitioner.
 Mr. Bhagwan M. Lonare, APP for respondent/State.
 Mr. N.R. Kanungo, Advocate for respondent No.2.

CORAM: M. M. NERLIKAR, J.

DATED : 06/01/2026.

Heard.

2. It appears that this Court on 09.05.2025, passed the following order:-

“The Registrar (Judicial) to verify whether the matter pertains to the Single Bench or the Division Bench and file its report.

2. *Stand over after Summer Vacation-2025.”*

3. Pursuant to that order, the Registrar (Judicial) has filed the report stating that the matter would lie before the Single Judge. However, it appears that the petition was amended as per order dated 16.07.2025 and following prayers are inserted:-

“(B.1) Hold and declare that the power to decide upon custody of the Child in need of care and protection is exclusively vested with the concerned Child Welfare Committee as provided under the Juvenile Justice (Care and Protection)

Act 2015 and no other court of original jurisdiction has power to decide or hand over custody of such child.

(B.2) Hold and declare that the learned District and Session Judge including special courts constituted/designated under POCSO Act or any other special statute has no jurisdiction to deal with custody of children in need of care and protection court of original jurisdiction and that such custody application can be decided only under the Juvenile Justice (Care and Protection) Act 2015 and therefore hold and declare impugned order dated 23.10.2023: Miscellaneous Criminal Application at ANNEXURE B to the null and void for want of jurisdiction.”

4. In view of above, the Registrar (Judicial) shall submit the report considering the above prayer clauses whether the matter would lie before the Single Judge or before the Division Bench.

(M. M. NERLIKAR, J.)