



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CRIMINAL REVISION APPLICATION NO.58/2026

Dr.Shrikant s/o Dharmaraj Warbhe

..VS..

Mrs.Payal w/o Shrikant Warbhe and anr

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

Court's or Judge's Order

Shri Atul Pande, Counsel for the Applicant.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 18/03/2026

1. By this revision, the applicant father is challenging order dated 11.3.2026 passed by learned District Judge-01 and Additional Sessions Judge, Nagpur (learned Judge below) below Exh.4 in Criminal Appeal No.138/2026 directing to keep custody of minor child Anvi for four days with the appellant i.e. from 9:00 am of Thursday till 9:00 pm of Sunday.

2. Learned counsel for the applicant submitted that there is matrimonial dispute between the applicant and non-applicant No.1. The marriage was solemnized and they are blessed with two daughters namely Anvi and Himanshi. Since there are differences in married life, the applicant started living separately and non-applicant No.1 is residing with two daughters at the apartment owned by the applicant. The applicant is taking care of their livelihood, educational, and medical expenses. Daughter Anvi who is more than 10 years old started complaining about physical and mental torture at the hands of non-applicant No.1. Therefore, the applicant intervened and tried his level best to help his daughters and also provided Child Help Line Number for taking necessary help.

3. Upon the complaint made by daughter Anvi by way of Child Help Line Number, both the applicant and non-applicant No.1 were brought before the Ranaprata Nagar Police Station, District Nagpur. Non-applicant No.2 Child Welfare Committee passed an order of custody with non-applicant No.1 with her assurance of good care and directed to file a detailed report of investigation pertaining to complaint.

4. Child Help Line Worker Meenakshi Dhalale submitted her report with the said Committee about her home visit along with questionnaire answered by Anvi. Anvi categorically expressed her suffering before the said Committee.

5. Considering the situation, the applicant made a complaint and requested the said Committee to intervene and to extend assistance to Anvi. The said Committee, after recording statement of Anvi, handed over temporary custody to the applicant. However, non-applicant No.1 mother preferred an appeal bearing Criminal Appeal No.138/2026 against the order of the said Committee before learned Judge below and further filed an interim application for custody below Exh.4. Learned Judge below, without giving an opportunity to the applicant, handed over the temporary custody to non-applicant No.1 for four days i.e. from 9:00 am of Thursday till 9:00 pm of Sunday.

6. Learned counsel for the applicant submitted that statement recorded by the said Committee is completely ignored by learned Judge below as well as the report of the Child Help Line is also ignored. If the said order is executed and the custody of the child is handed over to non-applicant No.1, there is likelihood of endangering the life of minor child and, therefore, he

submitted that the execution and implementation of the order passed by learned Judge below deserves to be Stayed.

7. Perused the statement made by the minor child before the said Committee as well as the report of Child Help Line which show that child expressed that she wants to reside along with her father and she has specifically stated about the atrocities at the hands of her mother.

8. At this stage, the father is having custody of the minor child .

9. Thus, considering the statement of the minor child and her desire to stay along with her father, till appearance of non-applicant No.1, the implementation and execution of order dated 11.3.2026 passed by learned District Judge-01 and Additional Sessions Judge, Nagpur (learned Judge below) below Exh.4 in Criminal Appeal No.138/2026 is hereby Stayed.

10. **Issue Notices to the non-applicants.**

11. The applicant is permitted to serve non-applicant No.1 by all modes of services and shall file an affidavit of service of the Notice on record.

12. Learned APP waives Notice for non-applicant No.2.

13. Stand over to **18.4.2026.**

14. Copy of this order be furnished to learned counsel appearing for parties to be acted upon

(URMILA JOSHI-PHALKE, J.)