

(2020) 05 DEL CK 0081

In the Delhi High Court

Case No : Criminal Writ Petition No. 808 Of 2020

Ajit Kumar Mishra

APPELLANT

Vs

State Of Nct Of Delhi & Anr.

RESPONDENT

Date of Decision : 13-05-2020

Acts Referred:

Constitution Of India, 1950 — Article 226
Code Of Criminal Procedure, 1973 — Section 482

Citation : (2020) 05 DEL CK 0081

Hon'ble Judges : Siddharth Mridul, J;Anup Jairam Bhambhani , J

Bench : Division Bench

Advocate : F.K. Jha, Rahul Mehra, Chaitanya Gosain

Final Decision : Disposed Of

Judgement

Siddharth Mridul, J

The writ present petition has been taken-up for hearing by way of Video-Conferencing on account of lockdown due to COVID-19.

CRL.M.A.6324/2020 (Exemption)

Exemption allowed, subject to all just exceptions..

The application stands disposed of accordingly.

W.P.(CRL) 808/2020 and CRL.M.A.6325/2020 (Directions)

1. By way of the present habeas corpus petition under Article 226 of the Constitution of India and Section 482 of the Code of Criminal Procedure 1973 the petitioner prays as follows:-

"(i) Issue a writ of habeas corpus thereby directing the respondent to produce petitioner's wife Ms. Vandana Mishra, 2½ year old daughter Vidya Mishra and about 01 year old daughter Mahi Mishra before this Hon'ble Court, in the interest of justice.

(ii) Pass any other order/relief, which this Hon'ble Court may deem fit and proper in favour of the petitioner, in the interest of justice."

2. We have heard learned counsel appearing on behalf of the petitioner as well as Mr. Rahul Mehra, learned Standing Counsel (Criminal) for Government of NCT of Delhi, who appears on advance notice on behalf of the respondents.

3. Evidently Mrs. Vandana Mishra, who is the estranged wife of the petitioner Mr. Ajit Kumar Mishra, has not been arrayed as a respondent to the present habeas corpus petition. It is also the admitted position that Mrs. Vandana Mishra is currently living at the Shakti Shalini Shelter Home, 6/30 Lower Ground Floor, Kargil Park Lane, Jangpura, New Delhi-110014 along with their two minor daughters namely Vidya Mishra and Mahi Mishra. This Court is also informed that Mrs. Vandana Mishra has made a statement on 13.05.2020 before the Investigating Officer against her husband, wherein she has stated that after an altercation with her husband Mr. Ajit Kumar Mishra she was evicted by the latter from their matrimonial home on 14.04.2020.

4. In view of the foregoing, Mr. Jha, learned counsel appearing for the petitioner, limits the relief in the present writ petition to only seeking a direction to respondent No.2/Shakti Shalini Shelter Home to permit his wife Mrs. Vandana Mishra to speak with the petitioner over the telephone.

5. In view of the foregoing, the only course that commends itself to us is to direct respondent No.2/Shakti Shalini Shelter Home to permit Mrs. Vandana Mishra, the estranged wife of the petitioner, to talk to the latter telephonically, if she so desires of her own free will.

6. No further directions are called for in the present petition.

7. With the above directions, the present writ petition is disposed of. The pending application also stands disposed of.

8. A copy of this judgment be uploaded on the website of this Court forthwith.