

(2023) 12 BOM CK 0065

In the Bombay High Court

Case No : Criminal Writ Petition No.1559 Of 2023

Sunita Sanjay Rathod

APPELLANT

Vs

State Of Maharashtra And Others

RESPONDENT

Date of Decision : 28-12-2023

Acts Referred:

Indian Penal Code, 1860 — Section 363

Citation : (2023) 12 BOM CK 0065

Hon'ble Judges : Abhay S. Waghware, J

Bench : Single Bench

Advocate : Vishal H.Rathod, R.R.Tandale

Judgement

1. Not on board. Taken on board.
2. Heard learned APP and learned Advocate for the petitioner. Perused the record and papers.
3. Record shows that petitioner namely Sunita Sanjay Rathod approached Chikalthana Police Station on 12-08-2023 for lodging FIR on account of her daughter namely Vaishnavi going missing and in consequence to it, Chikalthana Police Station registered Crime bearing no.0329 of 2023 for offence under Section 363 of the Indian Penal Code. Copy of the FIR is also placed on record. It seems that getting dissatisfied by no progress in investigation, petitioner, biological mother Sunita moved this Court by filing Criminal Writ Petition No.1559 of 2023 i.e. by way of Habeas Corpus petition seeking direction to Police authorities i.e. respondents herein. Papers show that since filing of Criminal Writ Petition on 13-10-2023, matter was posted on several dates.
4. Today, the minor namely Vaishnavi is produced before this Court by Mr.Y.B.Khatane, PSI of Chikalthana Police Station. Investigating Officer informs that girl was traced in Tisangi Shivar, Tq.Pandharpur, Dist.Solapur and was accordingly taken in custody at around 03:00 a.m. yesterday. Consequently, she is produced before this Court today at around 01:00 p.m. Investigating Officer

has placed on record report dated 28-12-2023, which is now marked as Exhibit-A.

5. Petitioner mother namely Sunita Sanjay Rathod is also present and she confirms girl to be her daughter. She is duly informed.

6. On query, girl reported her age as 16 years. Hence, she seems to be a minor. On further enquiry, she has no complaint against Police authorities regarding any ill treatment. Taking into consideration the age of the girl and the aspect that investigation is underway, she is required to be kept in proper custody. Investigating Officer, on enquiry, suggests name of recognized institution namely Vidyadeep Nagar located in Chhawani area Aurangabad as suitable shelter home. Investigating Officer is also accompanied with Lady Police Constable namely Ms.Sonali Kisan Kande, B.No.749 officiating at Chikalthana Police Station.

7. As investigation is in progress and writ petition being sub judice, both Police officials are directed to lodge the minor Vaishnavi Sanjay Rathod in above named institution. As the matter is reported to be on the board of the concerned Court on 02-01-2024, Investigating Officer is directed to produce the girl before the Regular Court on 02-01-2024.

8. Stand over to 02-01-2024.