

Other. Cri.M.A.No. 383/2026

**Amina Shaikh
Vs.
Soharab Shiakh**

Order Below Exh.01

The present application has been filed by applicant under section 100 of the Bhartiya Nagarik Nyaya Sanhita, 2023 for issuing search warrant against non-applicants for custody of detenue Sana.

2) The applicant contended that, applicant was married with non applicant No. 1 dtd. 15/05/2025. From her matrimonial relationship she begotten daughter namely Sana on 05/03/2026. The child is milk sucking infant and requires maternal care. On 18/07/2026 non applicant No.1 with his parental uncle approached applicants house for resolving matrimonial disputes. At the alleged time non applicant No.1 forcibly and violently snatched the child Sana, from the hands of applicant.

3) Non-applicants forcibly occupied custody of her daughter Sana from applicant against her will. Therefore, applicant filed the petition for custody of her daughter.

4) Heard advocate for applicant and perused the documents on record. It reveals that, detenue Sana is the daughter of applicant and non applicant No.1. The contents

clarifies that custody of Sana has forcibly adopted by her father. Even though it is considered that non applicant No. 1 is the natural guardian of Sana, he is entitled for custody of his daughter. The age of Sana is most relevant factor, Sana is 05 months old. Sana is dependent on applicant for milk sucking, as well she requires nourishment from her mother. Non applicant No. 1 obtained custody of Sana forcibly, without the consent of the applicant.

5] Therefore, for the para amount consideration and for welfare of infant Sana it is necessary to produce her before the court. On production of the child, her custody can be determined on the merits of the case. Hence, the following order.

ORDER

1. Search warrant of Sana is issued against non applicant No. 1.
2. Police officer of concern police station is directed to produce Sana on or before date 22/07/2026.
3. Applicant is directed to make necessary payment of Police Bhatta as per rules.
4. Concern clerk is directed to issue search warrant along with this order.

Place : Bhiwandi.
Date : 20/07/2026

(N. A. Randive)
Judicial Magistrate F.C.,
Bhiwandi (Court no.4)

- Certificate -

I affirm that the contents of this PDF file Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of Stenographer	:-	Mr. Aashish Bhujang
Name of Court	:-	Shri. N. A. Randive 4 th Jt. Civil Judge (J.D.) and Judicial Magistrate First Class, Bhiwandi
Date of decision / typed	:-	20-07-2026
Judgment/order signed by the P.O on	:-	20-07-2026
Judgment/order uploaded on	:-	20-07-2026