

MHAH160000762024



**ORDER BELOW APPLICATION EXH. 01 IN CRI.M.A. NO.**  
**30 OF 2024**

The present miscellaneous criminal application is filed by the applicant as per the provisions made in Section 97 of the Code of Criminal Procedure (For short "Cr.P.C."), for issuance of the search warrant to search her minor daughter namely "Trisha" (for short "detained child"). Perused the application and heard learned advocate Smt. S.V.Gosavi-Giri on behalf of the applicant.

2. It is submitted by the learned advocate Smt. Gosavi that the detained child is the born out of the wedlock of the applicant and non applicant Nos. 1. Their marriage was solemnized as per the customs on 04.02.2021. The other opponents are the relatives of the applicant. There were some matrimonial dispute arose between the applicant and opponents. Therefore, opponent

Nos. 1 deserted the applicant, hence, applicant was compelled to reside her parental house along with detained child.

3. It is further submitted by the applicant that, during the period of her residence at paternal house on 09.01.2024 the opponent came there and forcefully took the detained child along with them. Thereafter, the applicant time to time asked for the custody of detained child to the opponent but they refused the same. The detained child of 1.5 year old sucking baby. She is in need and care of her mother which was denied by the opponent. There is threat to life of detained child. Hence, it has been prayed by the applicant that search warrant may kindly be issue to find the detained child. Accordingly, applicant prayed that application may kindly be allowed.

4. Perused the application. Considering the recitals of the application it is clear that the detained child is 1.5 year old sucking baby girl. The applicant is the biological mother of the detained child. Considering these facts and

circumstance it is become clear that, the detained child is totally depended over her mother for feeding. Therefore, considering the fact it is necessary to issue the search as per the prayer of the applicant. In the result, following order has been passed :-

**ORDER**

1. The application is allowed.
2. Issue search warrant for the detained child immediately.

Date: 12/02/2024

**(Shweta A. Parwatkar)**  
Judicial Magistrate First Class,  
Akole.