

MHRG170023322025



**IN THE COURT OF SPECIAL JUDGE
AT PANVEL, DISTRICT- RAIGAD**

SPECIAL CASE NO.271/2025

The State of Maharashtra --- Prosecution

Vs.

Farook Allauddin Shaikh & Ors. ---Accused

Corum - Santosh C. Shinde

Date - 26th February 2026

Appearance-

Ld. Spl. P. P Smt. Thalkar for the State of Maharashtra.

Order Below Exh.19

1. This application is filed the State for stay of order dt.11th February 2026 passed by the Ld. Child Welfare Committee, Raigad (in short "CWC").
2. Heard.
3. Ld. Addl. P. P submitted that in present case child is victim of trafficking & sexual exploitation. Mother of child is accused No.2 and she is on bail. CWC has given directions to give custody of child to her grand-father who is also relative of

accused No.2 therefore, there is possibility of re-trafficking of child and threatening to her cannot be overruled. Evidence of child is material therefore impugned order which is passed overlooking these aspects needs to be stayed till decision of the application.

4. Perused record.
5. Record shows that accused No.1 is the mother of child. Accused No.1 was arrested in connection with crime No. 367/2025 registered for the offence punishable u/s.64, 65(2), 351(2) r/w 3(5) of the BNS 2023, u/s.4, 6 & 17 of the POCSO Act and u/s.4 & 5 of the Immoral Traffic Prevention Act.
6. Now, child is in child care home. In present case, child is victim & material witness. It is alleged that victim is trafficked & sexually exploited by accused No.1 and accused No.2 has induced for such act.
7. Before CWC, application was filed by grand-father of victim and by impugned order, custody of child was handed over to grand-father of child.
8. There is apprehension to prosecution that accused No.2 may have access directly or indirectly to the child as she is her mother and possibility of influence, emotional pressure or subtle manipulation upon child cannot be ruled out. Prosecution has also apprehension of re-trafficking of child.
9. Child of teener age is particularly susceptible to influence from a parent. Here it should not be ignored that a child is vulnerable psychologically and in present case, if age of child is

considered then change in custodial environment may trigger psychological regression & emotional instability. It is necessary to assess psychological readiness & structured reintegration for restoration of custody of child. Best interest of child which is mandatory principle needs to abide in each & every case and same cannot be violated only for the reason that father-in-law of child is blood relative. Same cannot override the protection envisaged to child under the laws.

10. If impugned order is considered then said order is non speaking order which defeats object & spirit of Juvenile Justice Act and needs to be corrected by intervention of higher Courts. At present there is nothing on record to show as to what material was placed before CWC. Here, it should not be ignored that impugned order may adversely affect psychology of child and it may adversely affect moral of child.
11. Prosecution has filed this application in the present case but if section 101 of the Juvenile Justice Act is considered then appeal should have been filed. As per prosecution impugned order is going to be implemented immediately therefore, prosecution is pressing for stay of impugned order. I am of the view that technicalities should not be barriers in welfare & best in interest of the child. Hence, it is necessary to stay to impugned order. Considering these aspects, I pass following order.

ORDER

1. Impugned order dt.11th February 2026 passed by CWC, Raigad in CWC Case No.8708/2025 is stayed till further orders.

2. Registry is directed to register application at exh.16 as an appeal after removal of objections, if any.
3. Copy of this order be sent to CWC, Raigad for information.

Sd/-

Panvel
Date: 26/02/2026

(S. C. Shinde)
Special Judge, Panvel
Dist.-Raigad