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16criwp1889-23c

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1889 OF 2023

Shilpa Prashant Patil ... Petitioner.
Versus
Prashant Pundalik Patil and Anr. ... Respondents.

Mr. Dheeraj D. Patil, Advocate for the Petitioner.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : JANUARY 15, 2024

P. C.:

1. Heard.
2. The Sessions Court in Appeal preferred for setting aside the order of the trial Court granting temporary custody of the two daughters of the Petitioner as well as interim maintenance granted to the daughters set aside the order of trial Court based on the final report of one Dr. Harish Shetty, who was appointed by this Court in Criminal Writ Petition No.1232 of 2021.
3. Learned counsel appearing for the Petitioner submits that the copy of the said report was not made available to the Petitioner and the sole reason for setting aside the order of the trial Court was the final report of the Dr.Shetty. As the order of the Sessions

Court is based on the report of Dr. Harish Shetty, it will be necessary to consider the said report. The said report is not on record, as this Court has directed that the report be forwarded to the Sessions Judge by order dated 26th July, 2023 passed in Criminal Writ Petition No.1232 of 2021.

4. Call for Record and Proceedings of PWDVA APPEAL **NO.35/2020** from the Court of Ad-hoc District Judge-2 and Additional Sessions Judge, Thane, at Thane.
5. Stand over to **5th February, 2024.**

(Sharmila U. Deshmukh, J.)

(Order corrected pursuant to the Speaking to the Minutes order dated 24th January, 2024)