

ITEM NO.12

COURT NO.3

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 3872/2024

(Arising out of impugned final judgment and order dated 15-01-2024 in CRWP No. 110/2024 passed by the High Court Of Judicature At Bombay)

SHISHIR SHIROLKAR

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Respondent(s)

(IA No.67985/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 22-03-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s)

Mr. Shadan Farasat, AOR
Ms. Natasha Maheshwari, Adv.
Mr. Harshit Anand, Adv.
Mr. Aman Naqvi, Adv.
Ms. Harishika Jain, Adv.
Ms. Mreganka Kukreja, Adv.
Mr. Abhishek Babbar, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

1. Since no order prejudicial to the interest of the respondents is being passed, the requirement of issuance of notice is waived.

2. The petitioner has approached the Division Bench of the High Court by way of filing a habeas corpus petition.

3. The grievance of the petitioner is that the child, born to the petitioner and respondent No.2, has been illegally detained by respondent No.2.

4. The petitioner claims that he is a permanent Citizen of U.S. and the child since born in U.S., is also U.S. Citizen, contends that he is entitled to the custody of the child.

5. By the impugned judgment and order, the Division Bench of the High Court though admitted the matter refused to grant interim relief. The High Court has observed that grant of interim relief would amount to allowing the petition at this stage and therefore, the petitioner would not be entitled to the interim relief.

6. We do not find fault with the order of the Division Bench of the High Court for refusing to grant interim relief.

7. However, the matter(s) relating to habeas corpus merely admitting the matter and without hearing them expeditiously would defeat the very purpose of seeking issuance a writ of habeas corpus.

8. In normal circumstances, an admitted matter would not come for hearing for six to seven years.

9. In our view, by merely admitting the matter without hearing the habeas corpus petition with the urgency that is

required would amount to failure to exercise jurisdiction in a habeas corpus matter.

10. We, therefore, request the High Court to take up the petition for hearing as expeditiously as possible and decide the same on its own merit and in any case, within a period of three months from today.

11. Needless to state that we are not expressing any opinion on the merits of the matter.

12. The special leave petition is, accordingly, disposed of.

13. Pending application(s), if any, shall stand disposed of.

(DEEPAK SINGH)
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)
COURT MASTER (NSH)