



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION (ST) NO. 13818 OF 2023

Jayendra Narandas Bhatia
Versus

...Petitioner

State of Maharashtra

...Respondents

Mr. Naveen K. Sharma i/b. Mr. Surendra Jodhavat for the Petitioner.

Ms. P. P. Shinde, APP for the State.

Mr. Francis John Fernandes, Owner of Amulya Prem Foundation
Rehabilitation Centre.

Ms. Manisha Mohan Patil for the Trustee.

PSI Rupali Popat Gaud, Bhiwandi Police Station

CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.

DATE : 18th AUGUST 2023
(IN CHAMBERS)

P. C. :

1. This petition is filed for seeking a writ of habeas corpus directing the respondent to produce the petitioner's cousin brother Pratap Jivani .

2. It is the case of the petitioner that he is the cousin of Pratap Jivani who was missing. Brother of Pratap Jivani by email dated 16th July 2023 had requested the petitioner to find out about Pratap as he required Hernia surgery on urgent basis. Brother of Pratap is residing in Dubai and hence he had requested the petitioner to take appropriate steps.

3. It is further the case of the petitioner that in view of matrimonial disputes between Pratap and his wife, Pratap's wife had admitted him for psychiatric treatment in Amulya Prem Foundation at Bhiwandi ("Rehabilitation Centre").

4. The petitioner has stated that for no reason Pratap was admitted in the said rehabilitation centre and was illegally detained there and no one was allowed to meet him. Hence the present petition was filed.

5. By order dated 4th August 2023, we had directed to send a responsible officer to the said rehabilitation centre for recording statement of Pratap. Today, Pratap is produced before us in Chamber. The concerned representatives of the said rehabilitation

are also present before us. Statement of Pratap recorded by the Sub-Inspector, Bhiwandi Police Station is placed before us. Statement of one Francis John Fernandes, representative of the rehabilitation centre is also placed before us.

6. We have perused the papers as well as the said statements. The statement reveals that Pratap was forcibly kept at the said rehabilitation centre at the behest of his wife. Pratap had stated that for his addiction for gutka he was kept in the rehabilitation centre.

7. Francis Fernandes in his statement has stated that Pratap was kept in the rehabilitation centre as instructed by his wife. He has stated that Pratap does not require any operation for hernia and that he was admitted to the rehabilitation for addiction towards gutka. Francis Fernandes has further stated that without permission of the wife of Pratap the rehabilitation centre cannot allow anybody to meet Pratap.

8. We interacted with Pratap as well as the petitioner in Chamber. Pratap informed us that he was addicted to gutka,

however he has not consumed gutka after he was kept at the rehabilitation centre. He also informed us that he did not wish to stay at the rehabilitation centre and he wants to go alongwith the petitioner. He stated that in view of the dispute with his wife, she had kept him at the rehabilitation centre. The petitioner informed us that he is ready to take entire responsibility of Pratap and he would take him alongwith him to his house.

9. Franics Fernandes informed us that as per instructions of the wife of Pratap they were not allowing anybody to meet Pratap. He further informed us that Pratap's wife was paying them for keeping him at the rehabilitation centre.

10. One Manisha Mohan Patil, Trustee of the said rehabilitation centre was also present before us. Francis Fernandes as well as Manisha Patil informed us that only on the instructions of wife of Pratap they were not allowing anybody to meet Pratap.

11. Thus considering the aforesaid, it is clear that Pratap was unnecessarily detained at the said rehabilitation centre at the behest of his wife.

12. We are not shown any medical papers of Pratap to show that he was required to be admitted to the rehabilitation centre. Hence, in view of the aforesaid, we permit Pratap to go along with the petitioner. The aforesaid representatives of the rehabilitation centre assured us that henceforth they will not detain any person in such manner without following due process of law. Statement accepted.

13. In view of the aforesaid, no further directions are necessary.

14. Writ Petition is disposed of in the above terms.

GAURI GODSE, J.

REVATI MOHITE DERE, J.