

Court No. - 13

Case :- HABEAS CORPUS WRIT PETITION No. - 314 of 2023

Petitioner :- Keerti Thru. Her Father Rampal

Respondent :- State Of U.P. Thru. Secy. Deptt. Of Home And 3 Others

Counsel for Petitioner :- Ashok Kumar Singh, Manish Kumar Gond, Rahul Kumar Singh

Counsel for Respondent :- G.A.

Hon'ble Karunesh Singh Pawar, J.

Heard learned counsel for the petitioner and learned AGA for respondent no. 1 to 3.

Notices to respondent no. 4 are dispensed with in view of the proposed order.

By this petition, the petitioner has prayed for the following relief:-

Wherefore it is most respectfully prayed that this Hon'ble Court may be kindly be pleased to set-aside the judgment and order of conviction and sentences dated 23.11.2023 awarded by the trial court in S.T. No. 804/2021 vide N. C.R. No. 84/2015, U/s 323 I.P.C., Police Station- Kauria, District-Gonda, against the appellants and appeal be allowed and appellants be acquitted after summoning the lower court record.

It is alleged in the petition that the detenu Keerti Rajput has been illegally detained by respondent no. 4 and it appears from the pleading in the petition that the deponent is the father of the detenu and FIR i.e. case crime No. 150/2023 under Section 366 IPC, P.S. Malihabad, District Lucknow was registered against respondent no. 4.

Learned AGA on the basis of the instructions has submitted that pursuant to the said FIR, statement of the prosecutrix under Section 164 Cr.P.C. was recorded wherein she has stated that she is major and of his own accord and free will she went away with respondent no. 4 on 29.08.2023 and has also done court marriage in Lucknow. She further stated that she does not want to meet the deponent of this petition and she is happily living with her husband. He further submits that on the basis of the statement given by the detenu under Section 164 Cr.P.C., final report has been dispatched on 28.09.2023 and the detenu has been given in the custody of respondent no. 4.

On due consideration to the statement of the detenu given

under Section 164 Cr.P.C., it is clear that it is not a case of illegal detention.

The petition of habeas corpus fails and is accordingly dismissed.

Order Date :- 18.12.2023

R.C.