

Court No. - 13

Case :- HABEAS CORPUS WRIT PETITION No. - 324 of 2023

Petitioner :- Nankana @ Smt. Mithilesh Vishwakarma Thru. Her Husband Pawan Kumar

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

Counsel for Petitioner :- Suresh Kumar Yadav

Counsel for Respondent :- G.A.

Hon'ble Karunesh Singh Pawar,J.

1. Heard learned counsel for the petitioner as well as learned A.G.A. for the State-respondents.

2. This Court vide order dated 18.10.2023 has passed the following order:-

"Heard learned counsel for the petitioner and learned A.G.A.

Learned A.G.A. has accepted notice on behalf of respondent Nos. 1 to 3.

Issue notice to respondent no.4 for filing counter affidavit, if any, within a period of four weeks and producing the corpus (Nankana @ Smt. Mithilesh Vishwakarm) before this Court on 04.12.2023.

Steps be taken within one week.

List this case on 04.12.2023.

Petitioner shall deposit a sum of Rs. 20,000/- with the Senior Registrar of this Court within one week after which notice shall be issued to respondent No.4 and the amount so deposited shall be payable to the corpus (Nankana @ Smt. Mithilesh Vishwakarm) on her appearance before this Court."

3. Although the sum of Rs.20,000/-, as directed by the court vide its earlier order dated 18.10.2023, has not been deposited by the petitioner however, the detenue is present before the court.

4. Upon a query being put to the detenue, she is submitted that she was physically abused by the hands of the deponent who is her husband and therefore, she is residing with her brother as

her father Ram Murat-respondent No.4 has already passed away. She has further stated that she is residing out of her own accord and free will and has not been illegally detained.

5. In view of the statement given by the detenue, the writ of habeas corpus fails and is accordingly ***dismissed***.

6. This Court has taken note of the fact that earlier the petitioner was directed to deposit a sum of Rs.20,000/- with the Senior Registrar of this Court but the same has not been deposited therefore, now the same shall be recovered as an arrears of land revenue from the deponent-Pawan Kumar by the District Magistrate, Gonda within a period of three months from today and shall be paid to the detenue-Nankana @ Smt. Mithilesh Vishwakarma.

7. After the payment is made to the detenue, the report shall be submitted by the District Magistrate, Gonda to the Senior Registrar of this Court.

Order Date :- 7.12.2023
Saurabh Yadav/-