

GAHC010188242023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : W.P.(Crl.)/31/2023

ABED ALI
S/O KASHEM ALI,
RESIDENT OF JHELTUR CHAR PART III, PO AND PS BILASIPARA, DIST
DHUBRI, ASSAM 783348

VERSUS

THE STATE OF ASSAM AND 9 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM,
DISPUR, GUWAHATI 06

2:THE COMMISSIONER AND SECRETARY
GOVT. OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI 06

3:THE DIRECTOR GENERAL OF POLICE

ASSAM
ULUBARI
GUWAHATI 05

4:THE SUPERINTENDENT OF POLICE
DHUBRI
ASSAM

5:THE OFFICER IN CHARGE
BILASIPARA POLICE STATION
DIST DHUBRI
ASSAM

6:THE SUB DIVISIONAL POLICE OFFICER

BILASIPARA
BILASIPARA SUB DIVISION
DIST DHUBRI
ASSAM

7:THE IN CHARGE NAYERALGA POLICE OUT POST

PS BILASIPARA
DIST DHUBRI
ASSAM

8:MIJANUR ISLAM
S/O SOPIYAR RAHMAN

RESIDENT OF JHELTUR CHAR PART III
PS BILASIPARA
DIST DHUBRI
ASSAM

9:SOPIYAR RAHMAN
S/O HOSSEN ALI
RESIDENT OF JHELTUR CHAR PART III
PS BILASIPARA
DIST DHUBRI
ASSAM

10:MAINUR ISLAM
S/O SOPIYAR RAHMAN
RESIDENT OF JHELTUR CHAR PART III
PS BILASIPARA
DIST DHUBRI
ASSA

Advocate for the Petitioner : MR. M U MONDAL

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

06-03-2024

(M.R.Pathak, J)

Heard Mr. K Islam, learned counsel for the petitioner and Mr. P Sharma, learned Additional Senior Government Advocate, Assam for the State respondent Nos. 1 to 7.

It is alleged that the victim, a minor girl, daughter of the petitioner was kidnapped by the private respondent Nos. 8, 9 & 10 on 27.07.2023 at around 2 PM from his house.

The petitioner on 31.07.2023 lodged an FIR before the Nayeralga Police Outpost in that regard, which was accordingly registered as Bilasipara Police Station Case No. 275/2023 on 01.08.2023 under Section 366(A) of the IPC corresponding to GR Case No. 497/2023.

As the minor victim girl could not be traced out, her father, i.e., the petitioner filed this Habeas Corpus petition on 25.08.2023.

As per the report of the Superintendent of Police, Dhubri having jurisdiction over Bilasipara Police Station submitted a report that a lookout notice of the accused, respondent No. 8 was issued immediately after registration of the police case, who allegedly kidnapped the minor victim girl and such notice was published in the media by the District Information & Public Relation Officer, Dhubri and in other places.

Thereafter, on receipt of the technical inputs regarding the whereabouts of the victim girl, a three member team led by one Sub-Inspector left for Bengaluru on 03.09.2023 and search was conducted in various hideouts along with Police from Bengaluru, Karnataka.

Ultimately, the minor victim girl could be recovered on 05.09.2023 at around 12:45 PM from Bahalpur, Chapar, Dhubri. Then she was taken to Dhubri Medical College, Dhubri for her medical examination and thereafter, she was produced before the CWC, Dhubri.

As per the order of the CWC, Dhubri the minor victim girl was then kept at Care India

Foundation Centre, Surjyakhata, Bilasipara. Later, on 07.09.2023, the minor victim girl was produced before the Sub Divisional Judicial Magistrate, Bilasipara for recording her statement under Section 164 CrPC and thereafter, on completion of recording of statement under Section 164 CrPC and as per the order of the SDJM, Bilasipara, the minor victim girl was handed over to her father in the evening of 07.09.2023.

Pursuant to our earlier order, Mr. P Sharma, learned Additional Senior Government Advocate, Assam through the Superintendent of Police, Dhubri placed a copy of the 164 statement of the minor victim girl, recorded in said Bilasipara Police Station Case No. 275/2023 on 07.09.2023.

We have perused the same and that be returned to Mr. P Sharma, learned Additional Senior Government Advocate, Assam.

Since the minor victim girl has already been recovered and handed over to her father, i.e., the petitioner, nothing survives in this Habeas Corpus petition and accordingly, for the reasons above, this writ petition stands dismissed.

JUDGE

JUDGE

Comparing Assistant