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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 2117/2015

GEETA GUPTA

..... Petitioner

Through

versus

STATE OF NCT & ORS.

..... Respondents

Through Mr. Rahul Mehra, Standing Counsel
with Mr. Tushar Sannu, Advocat for the State.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

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26.08.2016

The present writ petition should be treated as disposed of as Shiv Kumar @ Shibbu has been recovered and is presently with his mother.

By order dated 8th July, 2016, we had directed the respondent-Delhi Police to file a status report as it was noticed that Shiv Kumar @ Shibbu was belatedly recovered 10 months after he was taken and admitted to Lal Bahadur Shastri Susharsan Child Home at Vasundhra, Ghaziabad.

The Delhi Police has filed a status report, which accepts the said factual position. Relevant paragraphs of the status report

read as under:-

“During the course of investigation it was found that the missing child was found abounded at round about of Hindon Air Force base in Ghaziabad UP by UP Police PCR Staff on 31.08.15. The child state his name to be ‘Ribu’ and he could not state his address and contact number to the PCR staff. Subsequently, the PCR Van took the child to the local Police Station PS Sahibabad and the boy was handed over to Ct Sunil no.G-1922 PS Sahibabad for further necessary action. The child was got medically examined and on examination no external injury was found on the person of the boy. The child could not tell his name to local police of PS Sahibabad. On the same day the child was produced before CWC Ghaziabad and CWC Ghaziabad ordered ct Sunil to hand over the custody of the child in Sudharshan Bal Ashram Vasundra with the direction to PS Sahibabad to trace the family of the child so that child could go with his family members. At Bal Ashram the Child could not tell his address so his address remain unknown.

During the course of investigation the statement of PCR staff and Care taker and Project co-ordinator of Bal Ashram were recorded. They told in their statements that despite repeated enquiry from child, he could not disclose his address. He seems to be have issues in expressing his thoughts and his issues in his speech. It is in these circumstances, so his parents could not be contacted.

Report from PS Sahibabad was also obtained and they stated that they have no ZIPNET facility at PS Sahibabad. They have transmitted the information through wireless set to Control Room Ghaziabad. Enquiry was also made from Bal Ashram. It was

found that they have not ZIPNET facility at the Bal Ahsram. They uploaded the information on www.trackthemissingchild.gov.in website. www.trackthemissingchild.gov.in website. The same was checked but no data of child was found there. The I.O also examined Mr. Harender Kumar Project-coordinator, Bal Ashram who stated that he had uploaded the detail of Shibbu in the month of august and that their password is confidential. Only they CWC members and Magistrate can check the detail on the website. He stated that this database where it was uploaded was not open for public view and that any unauthorised person can not open the particular folder in which data of lost/found children exist as it required a password to open the folder.

During the course of investigation the same day Wireless Message was flashed from East Distt Control Room to Police Control Room ITO to flash information on all India basis, seeking look out for the missing child.

The information of the missing child was uploaded on ZIPNET on the same day after the registration of the Case i.e. is 30/31.08.2015 at 01:30:39 hours.

The child is under treatment with the Psychologist of IBHAS Dilshad Garden. Therefore the statement u/s 164 CrPC could not be recorded. After treatment his statement u/s 164 CrPC will be recorded to ascertain and foul play with the child.

In view of aforementioned facts and circumstances respectfully submitted herein, the undersigned undertakes to abide by any direction (s) which this Hon'ble Court may be pleased to pass."

Copy of the status report will be also placed on record in W.P.(Crl)

No.869/1998, *Neetu through Rewati Vs. Union of India* for appropriate and necessary orders and directions.

The writ petition is accordingly disposed of.

SANJIV KHANNA, J.

SUNITA GUPTA, J.

AUGUST 26, 2016
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