

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (HC) No. 2 of 2017**

Sanat Kumar Sahu S/o Dhanau Ram Sahu, Aged About 45 Years R/o Village Tanaud, P. S. Sheorinarayan, Tahsil Pamgarh, District Janjgir Champa (Chhattisgarh).

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Home, Mahanadi Bhawan, New Mantralay, Raipur (Chhattisgarh)
2. The Superintendent Of Police, Janjgir, District Janjgir Champa (Chhattisgarh)
3. The In-Charge Of Police Station, P. S. Sheorinarayan, District Janjgir Champa (Chhattisgarh)
4. Amit Kumar Sahu, S/o Bishambhar Sahu, Aged About 25 Years R/o Village Tanaud, P. S. Sheorinarayan, Tahsil Pamgarh, District Janjgir Champa (Chhattisgarh)
5. Bishambhar Sahu, S/o Dhanau Ram Sahu, Aged About 45 Years R/o Village Pamgarh, District Janjgir Champa (Chhattisgarh)
6. Shatruhan Lal Sahu, Aged About 50 Years R/o Village Tanaud, P. S. Sheorinarayan, Tahsil Pamgarh, District Janjgir Champa (Chhattisgarh)
7. Rajesh Kumar Sahu, S/o Umendra Ram Sahu, Aged About 50 Years R/o Village Tanaud, P. S. Sheorinarayan, Tahsil Pamgarh, District Janjgir Champa (Chhattisgarh)
8. Devnarayan Sahu, S/o Hem Lal Sahu, Aged About 45 Years R/o Village Tanaud, P. S. Sheorinarayan, Tahsil Pamgarh, District Janjgir Champa (Chhattisgarh)
9. Kuber Sahu, S/o Nauman Sahu, Aged About 55 Years R/o Village Tanaud, P. S. Sheorinarayan, Tahsil Pamgarh, District Janjgir Champa (Chhattisgarh)

---- **Respondents**

For Petitioner
For State

: Shri R.K. Kesharwani, Advocate
: Shri R.K. Gupta, Deputy Advocate General

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice

Hon'ble Shri Sharad Kumar Gupta, Judge

Order On Board

Per Thottathil B. Radhakrishnan, Chief Justice

26/07/2017

1. This writ petition is filed seeking issuance of a writ in the nature of Habeas Corpus in relation to Bharti @ Durga described as the daughter of the petitioner and aged about 19 years.
2. Pursuant to their investigation, the Police zeroed in on two persons against whom the process of investigation was further carried and report has been laid before the jurisdictional Magistrate inculcating one of those persons and stating that further investigation is going on regarding the other, who is still at large. The alleged victim is not yet traced. From the Police papers made available to us, it appears that the investigators are proceeding on the premises that apart from offence punishable under IPC, those which are punishable under the provisions of the Protection of Children from Sexual Offences Act, 2012 are also made out.
3. Having regard to the fact that the report of the Police is now before the jurisdictional Magistrate, we are clearly of the view that the learned Magistrate would be well within the jurisdiction in terms of the provisions of the Code of Criminal Procedure to ensure that due process is appropriately carried. The learned Magistrate would also have requisite jurisdiction in terms of the

provisions of the statutes to ensure the tracing out of, and reaching at, as to what has actually happened in to Bharti @ Durga. Under such circumstances, we are of the view that no useful purpose would be served by detaining this matter further at this end in the form of a petition seeking issuance of a writ in the nature of Habeas Corpus.

4. For the aforesaid reasons, this writ petition is closed without prejudice to the petitioner's right to participate in proceedings before the learned Magistrate in accordance with law and seek such directions and orders as may be available within the framework of the laws. This writ petition is ordered accordingly without expressing anything on merits of the issues that may arise for decision before the Criminal Court.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge