

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (Habeas Corpus) No. 01 of 2018**

- Zaheer Khan, S/o Late Noor Khan, aged about 58 years, R/o Village Paterapali, Tehsil & P.S. Bagbahra, District - Mahasamund (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh, Through : Secretary, Department of Home, Mantralaya Mahanadi Bhawan, Naya Raipur, Dist. - Raipur (C.G.)
2. Collector, District - Mahasamund (C.G.)
3. Superintendent of Police, Mahasamund, District - Mahasamund (C.G.)
4. Station House Officer, P.S. Bagbahra, District - Mahasamund (C.G.)
5. Sunil Barik, S/o Janak Ram Barik, aged about 19 years, R/o Telipara, Nauapada, District - Nuapada (Odisha).
6. Janak Ram Barik, S/o Taturam, aged about 45 years, R/o Telipara, Nauapada, District - Nuapada (Odisha).
7. Lucky Tiwari, S/o Anand Tiwari, aged about 28 years, R/o Telipara, Nauapada, District - Nuapada (Odisha).
8. Superintendent of Police, Nuapada, District - Nuapada (Odisha).

---- Respondents

For Petitioner	:	Shri Adil Minhaz, Advocate.
For Respondents/State	:	Shri U.N.S. Deo, Government Advocate
For Respondent No.6	:	Shri Raghvendra Pradhan, Advocate.
For Respondent No.7	:	Shri Navin Shukla, Advocate appears on behalf of Smt. Fouzia Mirza.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Sharad Kumar Gupta, Judge

Order on Board**15/03/2018**

1. This writ petition is filed seeking issuance of writ in the nature of habeas corpus, *in re* Ku. Arshiya Khan, the daughter of the Petitioner.

2. The earlier orders minuted by this Court led to the conclusion that the 5th Respondent was keeping away from appearing before this Court inspite of process being duly served in his last known residential address. Therefore, we issued non-bailable warrant against him. That has been executed and we are told that the 5th Respondent - Sunil Barik is now remanded to the Juvenile Home at Raipur by the jurisdictional Magistrate.
3. The alleged *detenu* has come today with her father-the Petitioner. It is stated by her and her father that the father went over to Nagpur alongwith the police and Ku. Arshiya Khan and the 5th Respondent were traced from there. Ku. Arshiya Khan was produced before the Judicial Magistrate First Class, Mahasamund and that her statement was recorded.
4. On the whole, it appears that there may be different other proceedings and there is likelihood of matters being considered in criminal jurisdiction. We, therefore, dissuade ourselves from stating anything further.
5. Having noticed that the girl Ku. Arshiya Khan is well oriented, on our interaction with her, and noticing that her father is also present, we record the willingness of the daughter to go with her father. Ku. Arshiya Khan, being a minor, is left to go with her father-the Petitioner. This habeas corpus petition is closed.
6. Before parting, we place on record our appreciation for the earnest efforts taken by the jurisdictional police to promptly enforce the process of Court and reach at Ku. Arshiya Khan and the 5th Respondent.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-

(Sharad Kumar Gupta)
JUDGE