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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (HC) No. 12 of 2019**

Kali Ram Anant S/o Late Chaitu Ram Anant Aged About 51 Years R/o Village Dhuma, Imlipara, Chowki Jungapara, P.S. Takhatpur, District- Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Department Of Home, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur, District- Raipur, Chhattisgarh.
2. Inspector General of Police Bilaspur Circle, District- Bilaspur, Chhattisgarh.
3. Superintendent of Police Bilaspur, District- Bilaspur, Chhattisgarh.
4. Collector Bilaspur, District Bilaspur, Chhattisgarh.
5. Station House Officer Police Station Kota, District- Bilaspur, Chhattisgarh
6. Chhum @ Deepak S/o Prem Aged About 26 Years R/o Village Dhuma, Imlipara, Chowki Junapara, P.S. Takhatpur, Disrtict- Bilaspur, Chhattisgarh.
7. Prem S/o Seuak Ram Aged About 46 Years R/o Village Dhuma, Imlipara, Chowki Junapara, P.S. Takhatpur, Disrtict- Bilaspur, Chhattisgarh
8. Kamma Bai W/o Prem Aged About 44 Years R/o Village Dhuma, Imlipara, Chowki Junapara, P.S. Takhatpur, Disrtict- Bilaspur, Chhattisgarh
9. Kumari Preeti D/o Kaliram Anant, Aged About 16 Years Minor, R/o Village - Dhuma, Imlipara, Chowki - Junapara, Police Station Takhatpur, District Bilaspur Chhattisgarh.

---- Respondents

For Petitioner	: Shri Praveen Dhurandhar, Advocate.
For Respondent/State	: Shri Gagan Tiwari, Deputy Government Advocate.
For Respondent No. 6	: Shri Anup Majumdar, Advocate
For Respondents No. 7 and 8	: Shri Krishna Tandon, Advocate.

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

Per Parth Prateem Sahu, J

10/07/2019

1. The Petitioner has filed this writ petition under Article 226 of the Constitution of India, seeking a writ of habeas corpus for production of her daughter who is alleged to be in the illegal custody of Respondents No. 6 to 8.
2. In view of the earlier order passed by this Court on 19.06.2019, the detainee has been produced before this Court. In the facts and circumstances of this case, we thought it proper to interact with the detainee in chamber.
3. Learned counsel for the Petitioner has produced the progress report of the detainee of the year 2016-2017 which is of Government High School Dhuma, block Takhatpur, District Bilaspur. The mark-sheet shows the date of birth of the detainee as 16.12.2002. Considering the date of birth as mentioned in the progress report, the age of the detainee appears to be below 18 years.
4. Learned counsel for the Respondent No. 6 objects that the progress report of a school cannot be taken into consideration for assessing the age of the detainee.
5. Looking to the nature of the proceedings, the document which has been filed before this Court which is of Government High School, Dhuma, for the purpose of the present case, we are considering the age of the detainee to be as mentioned in the progress report. Since the detainee is below 18 years of age, therefore, it is directed that the custody of the detainee be handed over to the Petitioner, who is her father. The Police authorities will escort the detainee and leave the detainee in her parent's house.

6. In view of the above, this writ petition stands disposed of. However, it is made clear that the observation made in this order with respect to the age of the detainee is not conclusive as it is only a prima facie observation based on the documents produced before this Court i.e. the progress report of the Government High School, Dhuma.

Sd/-
(P.R. Ramachandra Menon)
CHIEF JUSTICE

Sd/-
(Parth Prateem Sahu)
JUDGE