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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 3317/2018**
KAMAL SINGH Petitioner
Through Mr. S. A. Rajput, Adv.

versus

THE STATE & ORS Respondents
Through Mr. Rahul Mehra, Standing Counsel
(GI)
Mr. Anup Rana, SI, PS Uttam Nagar.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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07.01.2019

1. On the last date of hearing, Mr. Rahul Mehra, learned Standing Counsel (Crl.), had sought time to file the report of the ossification test conducted in respect of Ms. Neetu.
2. Pursuant thereto, a fresh Status Report has been filed enclosing therewith the bone ossification test of Ms. Neetu, conducted at Deen Dayal Upadhyay Hospital, Hari Nagar, New Delhi-64, which records that her age is about 15 to 16 years. We may note that the 8th Class certificate of Neetu issued by the Government Girls Senior Secondary School, Mohan Garden, Uttam Nagar, Delhi, as furnished by her mother, Mrs. Mithilesh reflects Neetu's date of birth as 2.2.2002. If her date of birth is taken to be 2.2.2002, she would attain the age of 17 years on 2.2.2019. If we take into consideration the bone ossification test conducted in respect of Ms. Neetu which provides for a margin of plus two years, her age would, in any case,

be between 17 to 19 years.

3. On the first call, Mrs. Mithilesh was absent. The petitioner was present and Neetu had been produced from Sweet Home, Najafgarh. The matter was passed over to await the presence of Mrs. Mithilesh. On the second call, Mrs. Mithilesh was present and we had interacted with her. She had expressed her reservations on her daughter's desire to accompany the petitioner to his home. At that, we had suggested that she interact with Neetu and then take a decision particularly since she had shown great reluctance to stay with her mother on the earlier dates. On the third call, we are informed that Mrs. Mithilesh has left the Court expressing annoyance at the decision of Neetu to stay with the petitioner.

4. Having regard to the bone age report of Neetu, we see no point on insisting that she remains at Sweet Home, Najafgarh, where she was shifted at her request in view of her refusal to join her mother at her home. We may also place on record the fact that Neetu has left her home on three previous occasions. In view of the aforesaid facts and circumstances, it is directed that Neetu be released forthwith from Sweet Home, Najafgarh. It is for her to take a decision as to where and with whom she proposes to reside. Necessary formalities in this regard shall be completed today itself.

5. The petition is disposed of.

Dasti to the Standing Counsel under the signatures of Court Master.

HIMA KOHLI, J

MANOJ KUMAR OHRI, J

JANUARY 07, 2019/j
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