

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPCRL No.4 of 2022

Manorama Mohapatra

.....

Petitioner

Mr. S. Ch. Das, Adv.

-Versus-

State of Odisha & Ors.

.....

Opp. Parties

Mr. P.K. Muduli, AGA

**CORAM:
JUSTICE S. TALAPATRA
JUSTICE M.S. SAHOO**

**ORDER
19.09.2022**

Order No.

08.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. None appears for the petitioner when the matter is called out. Even on the last occasion, there was no representation for the petitioner. Today, Mr. P.K. Muduli, learned Addl. Government Advocate has produced an updated instruction which is received from IIC, Town PS, Puri where it has been reflected that the missing report was filed in the police station after 3 months of the actual date of missing.
3. As a result of which it has been asserted that all the prospective witnesses have been lost in the lurch. Even the CCTV

footage could not be if any help as those are not preserved for such a long time. In short, the person who is missing could not be traced out, in terms of our order dated 02.09.2022.

4. The petitioner has admitted that the missing person is 80 years of age and he took his journey to reach Cuttack to attend a court proceeding. At about 09.00 pm one unknown person came in a motor cycle and took her father in his bike with assurance to drop her further in Puri Railway Station. But unfortunately her father did not return, thereafter.

5. This fact has been averred in Para 3. In the affidavit, there is no disclosure how it came to the knowledge of the petitioner and such that piece of averment is not reliable. It may be a case of missing based on, even the police has registered a specific police case being Puri Town PS Case No.188/2021 under Section 363 of the IPC.

6. The instruction as filed before us today, there is no reflection on that aspect. According to us, this is not a case where the writ of Habeas Corpus can be issued as there is no allegation of unlawful detention or taking someone in the custody against law.

7. The act if at all believed, is palpably a criminal act. In view of that the police shall continue their investigation and make all endeavour to recover the person who is missing or abducted [allegedly]. But in the circumstances, we do not find any necessity of continuing the proceeding.

8. Accordingly, the same stands disposed of, subject to the observation as made above.

9. A copy of this order be furnished to Mr. P.K. Muduli, learned Addl. Government Advocate for onward transmission.

(S. Talapatra)
Judge

Rati Ranjan



(M.S. Sahoo)
Judge