

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPCRL No.65 OF 2018

Budai Mandra & another* *Petitioners

Mr. Sidharth Prasad Das, Advocate

-versus-

State of Odisha & others* *Opp.parties

Mr. P.K.Muduli, AGA

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

ORDER

06.09.2022

Order No.

- 10.** **1.** This matter is taken up through hybrid mode.
- 2.** Mr. S.P. Das, learned counsel has appeared for the petitioners. The petitioner no.1, mother of the missing boy, namely, Rama Chandra Mandra filed the information of missing in writing to the Mudulipada Police Station. Based on which, the specific case being Mudulipada P.S.Case No.08 dated 28.04.2018 under Section 363 of the I.P.C. was registered. Since, the police could not trace out or recover the missing boy, the mother in distress has approached this Court by filing this petition for issuing the writ of Habeas Corpus for production of the missing boy.
- 3.** From the records, it appears that the police has, time to time, filed the report on their efforts that they have taken to find out the missing boy. On 19.07.2022, we had directed the Superintendent of Police, District-Malkangiri to engage all the agencies under his command or to coordinate with the other agencies, those will be helpful for tracing out the missing boy. In that order dated 19.07.2022 wrongly we had referred the missing boy as the grandson of the petitioner. But, in fact, the missing boy is the son of the petitioner no.1.
- 4.** Today Mr. P.K.Muduli, learned Additional Government Advocate has produced the status report, which is a compilation

of actions taken by the police in order to recover the missing boy. It has been claimed that the police personnel were deputed to look out the missing boy and to gather information about him from nearby localities and neighbouring police station areas. But no clue could be gathered, even though the person was missing from 23.04.2016. By now, six years have elapsed. The police has taken the aid of social media, news papers and the local media group for circulation of the photograph of the missing boy. But the missing boy could not be traced out. Even though, the police has registered a case under Section 363 of the I.P.C., but we do not find any material to hold that there had been any incidence of kidnapping.

5. As such, we are of the view that this writ petition for issuance of Habeas Corpus cannot be maintained. The petitioner no.1 did not allege any illegal detention. However, we are persuaded to hold that the IIC, Mudulipada Police Station shall continue their efforts to trace out the missing boy. Whenever any clue, information or any material is seized, the petitioner no.1 shall immediately be informed.

6. Having observed thus, this writ petition stands disposed of.

7. Mr. H. Mishra, learned counsel appears for opposite party no.5.

(S. Talapatra)
Judge

(M.S. Sahoo)
Judge