

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPCRL No.46 of 2021

Bana Bihari Pradhan

.....

Petitioner

Mr. C. Pradhan, Adv.

-Versus-

***State of Odisha
& Others***

.....

Opp. Parties

Mr. S.S. Kanungo, AGA

CORAM:

JUSTICE S. TALAPATRA

JUSTICE M.S. SAHOO

ORDER

12.09.2022

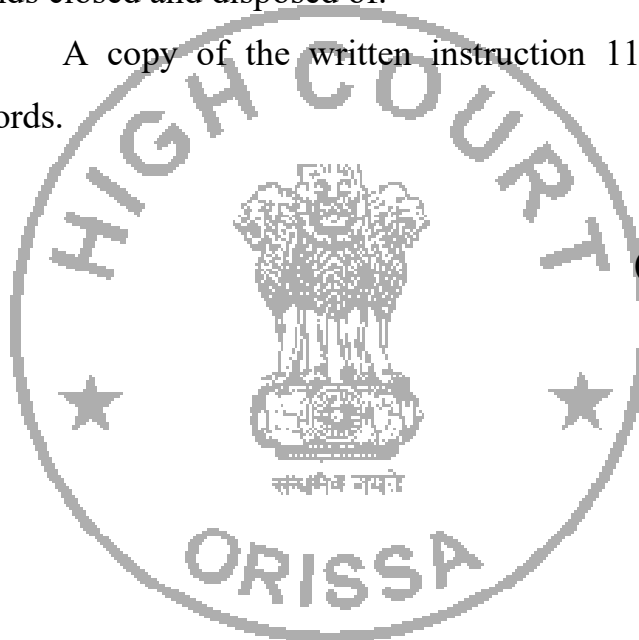
Order No.

- 10.
1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
 2. In presence of Mr. C. Pradhan, learned counsel appearing for the petitioner, Mr. S.S. Kanungo, learned Addl. Government Advocate appearing for the State has placed before us a written instruction received from the IIC, Salepur, P.S.
 3. This writ petition has been filed for issuance of writ of Habeas Corpus for recovery of the victim, whose name we withhold for protecting her identity.
 4. From the written instruction as referred before, it transpires that the victim was located and produced before the Judicial Magistrate First Class, Salepur for passing the order for safe custody. After recording the statement under Section 164 of the Cr.P.C, the victim has been released from the custody and allowed to stay with one Smt. Badrun Bibi (so called mother-in-law of the victim) as per the preference of the victim, as the victim became major and gave birth a child in the meanwhile.

5. Without observing anything on the merit in as much as we are completely unaware of the details of the police case. Whether on the day of abduction or leaving the house, the victim girl was minor within the meaning of the POCSO Act, 2012 not is matter to be investigated, if the case of the victim is challenged. Even the police has not indicated as regards the stage of the investigation.

6. Since, this writ petition had filed been for a very limited purpose and in view of the subsequent event as noted above, this writ petition has become infructuous and accordingly, the proceedings stands closed and disposed of.

7. A copy of the written instruction 11.09.2022 be taken on records.



(S. Talapatra)
Judge

(M.S. Sahoo)
Judge