

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPCRL No. 50 of 2021

Prativa Rana

....

Petitioner

Mr. B. Mansingh, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. S.S.Kanungo, AGA

CORAM:

JUSTICE S. TALAPATRA

JUSTICE M.S.SAHOO

ORDER

17.8.2022

Order No .

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1. This matter is taken up through hybrid mode.
2. Heard Mr. B. Mansingh, learned counsel appearing for the petitioner.
3. This is an application urging issuance of writ of the habeas corpus in respect of the daughter of the petitioner who had been abducted on 2.3.2020. After series of efforts of the police, under the supervision of this Court, the victim girl has been recovered by a police team from a city of Gujarat, by the help of local police on 29.7.2022. After recovery, the police has recorded the statement of the victim girl under section 161 of CrPC on the very day of recovery i.e., 29.7.2022. The petitioner was contacted before the medical examination of the victim, but according to police, she did not respond. It has been stated in the said written instruction that at the time of recording her statement under section 161 of CrPC, the complete statement was video-graphed by the police. As a measure of abundant caution, the statement of the victim girl was also recorded under section 164 of CrPC by the J.M.F.C., Khallikote. It has been stated further that the petitioner

did not cooperate to restore the custody of her daughter whose name is withheld for protecting the identity of the victim girl.

4. In such circumstances, the concerned police did approach the J.M.F.C., Khallikote. The said J.M.F.C. by the order dated 29.7.2022 asked the police to put the minor girl (the victim) at any safe home. Accordingly, the minor girl has been put to one safe home at Berhampur. The police has also arrested one person namely, Kartik Behera on 30.7.2022 as it has been established prima facie that the said accused had established sexual relationship with the victim, who is minor. As a clear offence was made out, the prosecution has to be carried out in accordance with law. One affidavit has been filed by the petitioner on 30.7.2022 refusing to accept her minor girl with a baby, as the said baby is born out of, sexual relationship between an 'unknown' person and the victim girl. Some words and statement has been made in the said affidavit which according to us is seriously objectionable. However, learned counsel for the petitioner has quite persuasively submitted that the petitioner is ready to withdraw those words.

5. Be that as it may, we should observe that against an innocent baby, use of those words should not have been imagined inasmuch as it dehumanizes a human being who does not have a sense of protecting her dignity.

6. In view of such recovery, as noted above, this proceeding stands closed and disposed of. Before parting with the records, we would direct the authority of the Safe Home namely, Sydhar Gruha to allow the petitioner visit the victim girl and to interact with her. The petitioner is also given liberty to take the minor girl with baby at her home for their well being. But the petitioner shall not do anything to separate the baby from her mother (the girl of the petitioner). Moreover, during such visit and/or

interaction, the petitioner shall behave sensibly and in no way the victim girl and her baby shall be traumatized.

(S.Talapatra)
Judge

(M.S.Sahoo)
Judge

dutta

