

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPCRL No.72 of 2022

Bidyapati Dey

.....

Petitioner

Mr. P.C. Dash, Adv.

-Versus-

State of Odisha & Others

.....

Opp. Parties

Mr. S.S. Kanungo, AGA

CORAM:

JUSTICE S. TALAPATRA

JUSTICE M.S. SAHOO

ORDER

17.08.2022

Order No.

05.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard Mr. P.K. Dash, learned counsel appearing for the petitioner and also heard Mr. S.S. Kanungo, learned Addl. Government Advocate appearing for the State.
3. By means of this petition, it has been urged to issue the writ of Habeas of Corpus seeking production of the victim, whose name has been withheld for protecting her identity, as she was suspected to have been kidnapped by unknown persons.
4. By the order dated 04.08.2022, we directed the State to furnish an updated status report. In compliance thereof, Mr. S.S. Kanungo, learned Addl. Government Advocate has produced today a written instruction, received from the IIC, Jaleswar Police Station.

5. The said report reveals that on 05.08.2022, the daughter of the petitioner arrived at Jaleswar Police Station and submitted on her own handwriting, that she is a major, as her date of birth is 19.06.2003. In support thereof, Aadhaar Card as well as the authenticated copy of Birth Register of GKB Govt. Hospital, Jaleswar vide Sl. No.202 of 2003 [both annexed with the victim's written submission] have been filed by the IIC, Jaleswar Police Station.

6. In the said status report, the victim girl has alleged that her father had changed her date of birth during her admission at school by producing a false birth certificate, in which her date of birth had been recorded as 19.02.2005. She has contended that she is major and she had left home willfully, voluntarily and without any force or influence of any body. She had left her parental house, due to physical and mental torture by her father and now she is residing with her friend at Chennai.

7. Her statements have been recorded by the police. It has been further stated by Mr. S.S. Kanungo, Learned Addl. Government Advocate that the victim's statement has been recorded under Section 164 of the Cr.P.C by the J.M.F.C Jaleswar. The victim had stated the same fact to the court. She has stated that nobody had kidnapped her.

8. In view of the development, as noted above, in our considered opinion, the proceeding has become infructuous. Accordingly, the same stands closed and disposed of.

9. The report along with the records as produced by Mr. S.S. Kanungo, learned Addl. Government Advocate is returned.

(S. Talapatra)
Judge

(M.S. Sahoo)
Judge

Rati Ranjan

