

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPCRL No.77 of 2022

Abhaya Kumar Swain

.....

Petitioner

Mr. Anup Kumar Mohapatra, Adv.

-Versus-

State of Odisha & others

.....

Opp. Parties

Mrs. Saswata Patnaik, AGA

CORAM:

JUSTICE S. TALAPATRA

JUSTICE M.S. SAHOO

ORDER

21.07.2022

Order No.

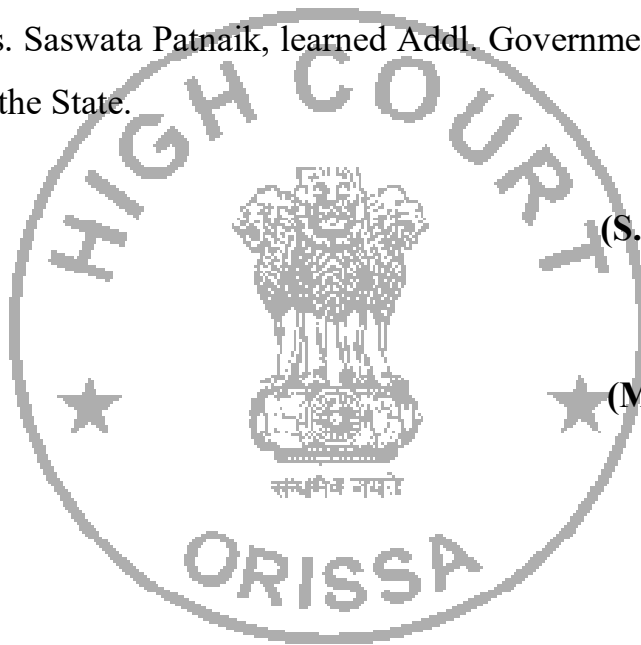
03.

1. This matter is taken up through Hybrid Arrangement (Virtual/ Physical Mode).
2. Mrs. Saswata Patnaik, learned Addl. Government Advocate has handed up us the written instruction dated 20.07.2022 with a copy of the statement of the victim girl recorded under Section 164 of the Cr. P.C. by J.M.F.C.(City), Cuttack.
3. We have perused the instruction as well as the statement as recorded under Section 164 of the Cr.P.C., as referred above. We find that as per our direction, the victim girl has been rescued and was produced before the Magistrate of the local area and as per the direction of the Magistrate, her custody has been restored to her husband, namely, Abhaya Kumar Swain, the petitioner.
4. We have come across from the statement as recorded under Section 164 of the Cr.P.C. that on the day of recording of the said statement, the victim girl had stated her age to be 24 years.

5. In view of that, this proceeding has become infructuous and accordingly, the same is closed.

6. Before parting with the records, we would like to make it clear that, an adult woman has right to choose her husband and to live with him. No person under law is allowed to interfere with the life of the legally-wed couple.

7. The written instruction as received by this Court is to be kept with the record. But the original statement recorded under Section 164 of the Cr.P.C. as produced, be returned under the sealed cover through Mrs. Saswata Patnaik, learned Addl. Government Advocate appearing for the State.



(S. Talapatra)
Judge

(M.S. Sahoo)
Judge



