

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPCRL No. 103 of 2017

Jitendra Kumar Senapati **Petitioner**

Ms. Sarita Pani, Advocate on behalf of

Mr. P.K. Rath, Advocate

-versus-

State of Odisha & others **Opp. Parties**

Mr. S.S. Kanungo, AGA

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

ORDER

Order No.

30.08.2022

- 21.** 1. This matter is taken up through hybrid mode.
2. Heard Ms. Sarita Pani, learned counsel appearing on instruction of Mr. P.K. Rath, learned counsel for the petitioner.
3. In terms of the order dated 29.08.2022, Mr. S.S. Kanungo, learned Addl. Govt. Advocate has submitted a short status report authored by the I.I.C., Balipatna, P.S. What transpires from that report is that the missing persons could not be located despite their best efforts.
4. The First Information was lodged to the police on 01.09.2015 vide Annexure-1 to the writ petition. The petitioner, the brother of the missing person namely Ajit Kumar Senapati, has averred that he has been suspecting human sacrifice or abduction with intent to wrongful confinement and behind such heinous design, the petitioner suspected the hand of the chief of "Trahiachyuta Ashram". The said chief has already passed away and the police could not find any palpable act attributable to the said chief. According to the petitioner, initially in the month

of February, 2008 he was found missing and thereafter he reappeared in January, 2011. After that the said person became traceless.

5. The delay in reporting to the police is really surprising to us, as the petitioner did not disclose in this petition when he came to know about missing of his brother from the said Ashram, where he was engaged as Accountant. Allegations are galore against the police, but from the records produced by the police, we can say and observe in confidence that the police has done their part, but someone who has been lost in the lurch is very difficult to be traced out. By any stretch of interpretation, this petition cannot be sustained under the pale of habeas corpus. As such this writ petition is disposed of as not sustainable.

6. But, before parting with the records, we consider it our duty to direct the police to submit the final report terminating the inquiry/investigation within a period of two months from today. The petitioner be informed by the police when such report will be submitted.

7. No order as to costs.

(S. Talapatra)
Judge

(M.S. Sahoo)
Judge