
(2018) 12 RAJ CK 0300
In the Rajasthan High Court
Case No : Habeas Corpus No. 248 Of 2018

Bansi Lal

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 13-12-2018

Acts Referred:

Citation : (2018) 12 RAJ CK 0300

Hon'ble Judges : Munishwar Nath Bhandari, J; Banwari Lal Sharma, J

Bench : Division Bench

Advocate : Satish Kumar, Ravi Saini, Pankaj Sisodiya, BN Sandu, Purshottam Mehta, Jagdish, Sharda, Ramdeen Keer, Shobhna Vyas

Final Decision : Disposed Off

Judgement

This writ petition in the nature of habeas corpus has been filed alleging illegal detention of corpus-Yashoda by private respondent Nos.6 to 10.

This court issued notice with a direction to produce the corpus. On 29th November, 2018, Mr. BN Sandu, Additional Advocate General, informed that corpus was recovered in the State of Madhya Pradesh and taken in custody by the Rajasthan Police. Due to attack by the villagers on the police personnel, they sustained injuries and their arms were also snatched from them. The corpus was made free. On the aforesaid, a direction was given to the official respondents to produce the corpus, otherwise, the Superintendent of Police, Jhalawar was directed to remain present in the court. On 12th December, 2018, corpus was brought by the Police personnel of the State of Madhya Pradesh.

Since parents were not available on the next date i.e. 14th December, 2018, the matter was deferred for a day so as to secure presence of the parents. The corpus was sent to the Girls' Children Home, Gandhi Nagar, Jaipur with a direction to produce her on 13th December, 2018. The corpus has been produced today.

This court directed the Registrar (Judicial) to record her statement. In pursuance

of the aforesaid, statement of corpus Yashoda was recorded and produced before this court. The perusal of statement shows corpus-Yashoda to be minor. She has made allegations against private respondents and even connivance of police personnel of State of Madhya Pradesh. It is stated that Kalulal had paid Rs.2 lac to the Circle Officer, Police Station Khilchipur, District Rajgarh (M.P.).

Learned Assistant Government Advocate also informed that while the corpus was brought by the police personnel of Madhya Pradesh on 12th December, 2018, the Rajasthan Police was not even informed about her recovery, whereas, while they entered into the territory of MP Police, due information was given. The serious allegations have been levelled by the corpus against police personnel of the State of Madhya Pradesh apart from private respondents.

We have taken cognizance for the aforesaid. We are surprised to notice that despite an order on 12th December, 2018 making police personnel of Madhya Pradesh free with handing over of the corpus to the Rajasthan Police, they are still present in the court. The corpus has made serious allegations against the private respondents as well as police personnel of Madhya Pradesh.

In view of the above, a copy of the statement made by the corpus be sent to the Superintendent of Police, Jhalawar to hand over it for investigation in the matter and, accordingly, to proceed in FIR No.156/2018 registered with Police Station Jawar. The investigation would now be made not only in reference to the FIR but statement of corpus recorded by the Registrar (Judicial), Rajasthan High Court Bench, Jaipur. The Registry is directed to send a copy of the statement of corpus to the Superintendent of Police, Jhalawar along with copy of this order for compliance.

Learned Assistant Government Advocate is also directed to send a copy of the statement to the Superintendent of Police, Jhalawar along with copy of this order. Accordingly, a copy of the statement of corpus along with copy of this order would be provided to Shri Pankaj Sisodiya, Assistant Government Advocate under the seal and signature of the Court Master.

Since corpus-Yashoda has shown her willingness to go with the parents, she is allowed to do so.

With the aforesaid, habeas corpus petition is disposed of.

The statement of corpus is taken on record.