
(2022) 04 MP CK 0052
In the Madhya Pradesh High Court
Case No : Writ Petition No. 7752 Of 2022

Hari Ram

APPELLANT

Vs

State Of M.P. And Others

RESPONDENT

Date of Decision : 21-04-2022

Acts Referred:

Constitution Of India, 1950 — Article 226
Indian Penal Code, 1860 — Section 363, 376

Citation : (2022) 04 MP CK 0052

Hon'ble Judges : Anand Pathak, J

Bench : Single Bench

Advocate : D.S. Rajawat, Rohit Shrivastava

Judgement

Anand Pathak, J

1. Instant petition under Article 226 of the Constitution has been filed in the nature of habeas corpus.
2. Corpus has been produced by SDOP Shri Devendra Singh Kushwaha, Assistant Sub-Inspector Shri Harish Solanki and Woman Police Constable Ms.Kajal-1049, Police Station- Bhonti, District Shivpuri before this Court.
3. Corpus is daughter of petitioner and she has been allegedly allured by the respondent No.4 Shishupal Yadav.
4. Shri Kushwaha, SDOP informed this Court that case has been registered against the respondent No.4 vide Crime No.03/2022 at Police Station Bhonti, District Shivpuri for offence under Sections 363/376 of the IPC and now respondent No.4 is in jail.
5. Corpus expressed her desire to live with respondent No.4. Document regarding age of corpus submitted by the petitioner indicates that corpus is minor because her date of birth is 05.08.2006, although her Adharcard and mark-sheet of Class 5th indicate that her date of birth is 05.02.2005. In either of the

conditions, corpus is minor.

6. Insistence of corpus to go to respondent No.4 cannot be acceded to at this stage whereas she denied to go to her parents home. Therefore, this Court is left with no other option except to send the corpus at One Stop Center, Shivpuri from where she was brought. She shall remain there till she attains majority.

7. At this juncture, petitioner being father of corpus wants to appear in the court proceedings because due to personal reasons, he could not appear today before this Court. Therefore, he sought one more opportunity to appear and express his view.

8. Considering the submissions, prayer is allowed. Petitioner is directed to appear before this Court on the next date of hearing but corpus shall not have to remain present personally.

9. Police Officers are directed to make necessary arrangements at One Stop Center, Shivpuri so that corpus can join the court proceedings virtually (through video conferencing) on the next date of hearing.

10. Responsible Police Officers (including woman officer) shall accompany the corpus at the time of video conferencing from One Stop Center, Shivpuri.

11. List the matter on 05.05.2022. C.C. as per rules.