

(2023) 01 UK CK 0107

In the Uttarakhand High Court

Case No : Habeas Corpus Petition No. 3 Of 2023

Irfan Ali

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 19-01-2023

Acts Referred:

Citation : (2023) 01 UK CK 0107

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : Ankurit Raj David, V.S. Rathore

Final Decision : Allowed

Judgement

Ravindra Maithani, J

1. Instant petition has been filed by the petitioner, seeking direction to the respondents to produce the corpus of Chaman Rani, D/o Madan Singh R/o Dobhora Ahatmali, Mukandpur Mundiya Sultanpur, District Udham Singh Nagar before this Hon'ble Court, who, it is alleged is in the illegal detention/custody of the respondent no.4.

2. Heard learned counsel for the parties and perused the record.

3. The corpus has been produced before the Court by Ms. Tabassum Iqbal, In-charge Superintendent, Nari Niketan Nainital. On being asked, the corpus has revealed that, in fact, she had gone with the petitioner Irfan Ali, but her father lodged a missing report. Thereafter, she was produced before the Sub Divisional Magistrate, Kashipur, where she gave a statement that she does not want to go with her parents.

4. Today, the corpus gives a statement that she wants to go with the petitioner Irfan Ali. The corpus has stated that her date of birth is 01.01.2003.

5. Ms. Tabassum Iqbal, In-charge Superintendent would submit that the corpus

is in Nari Niketan, Nainital pursuant to the order dated 26.12.2022 passed by the Sub Divisional Magistrate, Kashipur. She has tendered the copy of the order, by which the corpus has been confined in Nari Niketan. Ms. Tabassum Iqbal would also submit that they have a transfer certificate of the corpus from Government Girls Higher Secondary School, Mukandpur, Kashipur. According to her, the date of birth of the corpus is 20.03.2002.

6. The corpus tells to the Court that her date of birth is 01.01.2003. According to the In-charge Nari Niketan, as per transfer certificate of the corpus, her date of birth is 20.03.2002. In either case, the corpus is amajor. The corpus Chaman Rani has expressed the desire to come out from Nari Niketan. She is major. It is not the case of the State or any other person that the corpus is a minor.

7. The corpus is free to move wherever she wants to go. Therefore, let the corpus be free from Nari Niketan forthwith.

8. Accordingly, the petition is allowed.

9. Let a copy of this order be given to the In-charge Superintendent, Nari Niketan, Nainital, today itself.