
(2019) 07 CHH CK 0062
In the Chhattisgarh High Court
Case No : Writ Petition (HC) No. 12 Of 2019

Kali Ram Anant

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision : 10-07-2019

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2019) 07 CHH CK 0062

Hon'ble Judges : P.R. Ramachandra Menon, CJ; Parth Prateem Sahu, J

Bench : Division Bench

Advocate : Praveen Dhurandhar, Gagan Tiwari, Anup Majumdar, Krishna Tandon

Final Decision : Disposed Of

Judgement

Parth Prateem Sahu, J

1. The Petitioner has filed this writ petition under Article 226 of the Constitution of India, seeking a writ of habeas corpus for production of her daughter who is alleged to be in the illegal custody of Respondents No. 6 to 8.
2. In view of the earlier order passed by this Court on 19.06.2019, the detainee has been produced before this Court. In the facts and circumstances of this case, we thought it proper to interact with the detainee in chamber.
3. Learned counsel for the Petitioner has produced the progress report of the detainee of the year 2016-2017 which is of Government High School Dhuma, block Takhatpur, District Bilaspur. The mark-sheet shows the date of birth of the detainee as 16.12.2002. Considering the date of birth as mentioned in the progress report, the age of the detainee appears to be below 18 years.
4. Learned counsel for the Respondent No. 6 objects that the progress report of a school cannot be taken into consideration for assessing the age of the detainee.
5. Looking to the nature of the proceedings, the document which has been filed before this Court which is of Government High School, Dhuma, for the purpose of

the present case, we are considering the age of the detenue to be as mentioned in the progress report. Since the detenue is below 18 years of age, therefore, it is directed that the custody of the detenue be handed over to the Petitioner, who is her father. The Police authorities will escort the detenue and leave the detenue in her parent's house.

6. In view of the above, this writ petition stands disposed of. However, it is made clear that the observation made in this order with respect to the age of the detenue is not conclusive as it is only a prima facie observation based on the documents produced before this Court i.e. the progress report of the Government High School, Dhuma.