

(2009) 10 AHC CK 0149

In the Allahabad High Court

Case No : Habeas Corpus W.P. No. 49102 of 2009

Rinku and another

APPELLANT

Vs

State of U.P. and others

RESPONDENT

Date of Decision : 26-10-2009

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2009) 10 AHC CK 0149

Hon'ble Judges : Arvind Kumar Tripathi, J and Sheo Kumar Singh, J

Final Decision : Disposed Of

Judgement

Arvind Kumar Tripathi, J.

Heard Sri Manas Bhargava, learned counsel for the petitioners and learned Additional Government Advocate.

Prayer in this petition is for a direction to the respondent no. 2 to set at liberty forthwith to petitioner no. 2 from detention / custody from Nari Niketan and further a direction be given that petitioner no. 2 is to go with the petitioner no. 1.

Submission is that petitioner no. 2 is major and she wants to go / leave with the petitioner no. 1.

Counsel for the petitioners submitted that in view of the order dated 27.6.2009 passed by learned Chief Judicial Magistrate Kanpur Dehat also it is clear that petitioner no. 2 was directed to be send in the Nari Niketan till she attains the majority.

Submission is that from the date of birth of the petitioner no. 2 recorded in the High School examination and from the medical report etc. now there is no dispute about the fact that petitioner no. 2 is major and thus she is to be permitted to go / leave according to her own will. Petitioner no. 1 is also present in the court and he has been identified by the petitioner no. 2, and her advocate.

Pursuant to the orders of this court petitioner no. 2 has been produced in the

court.

Arti petitioner no. 2 has made a statement that she wants to go with petitioner no. 1 and she has already married with him.

A question was put to the petitioner no. 1 that to secure the future of the petitioner no. 2 what amount he will deposit in her name.

Sri Bhargava, made a query from the petitioner no. 1 and ultimately he came before the Court that the amount of Rs. 2,50,000/ will be deposited by him in the name of petitioner no. 2.

Sri Bhargava submits that petitioner no. 1 will deposit the aforesaid amount within time so allowed for the purpose. Sri Bhargava further submits that the petitioner no. 1 is of well off family and his father is having a good agricultur and otherwise also he is having job in private concerned (Lather Factory, Delhi)

After recording the aforesaid facts, this court propose to dispose of writ petition by giving following direction :

I. Petitioner no. 1 is directed to get the fixed deposit amounting to Rs. 2,50,000/ in Nationalised Bank in the name of petitioner no. 2 according to convenience of petitioner no. 1.

II. The fixed deposit, will be made for a period of three years and that will be subject to the operation by the petitioner no. 2 alone.

III. The aforesaid arrangement is to be ensured by the petitioner no. 1 within 15 days from today.

IV. On the aforesaid condition the petitioner no. 2 is permitted to go with the petitioner no. 1 and to live peaceful life without any interference of the respondents.

V. It will be concern of the C.J.M., Kanpur Dehat to ensure that the aforesaid condition is complied with and thus it will be duty of the petitioner no. 1 to appear before the C.J.M. Kanpur Dehat on or before expiry of the aforesaid period, to show the concerned official the fixed deposit receipt.

VI. In the event, the deposit is not ensured as promised by the petitioner no. 1 before this Court then liberty given by this court will stand withdrawn.

In the event of the non compliance of the assurance given by the petitioner no. 1 before this Court it will be always open for the local administration to press this fact to the Chief Judicial Magistrate, Kanpur Dehat to pass appropriate orders for the custody of the petitioner no. 1 and suitable orders for petitioner no. 2 also.

A certified copy of this order be given to learned counsel for the petitioner on payment of usual charges and to learned Additional Government Advocate without any payment if applied by 3.11.2009.

With the aforesaid directions this writ petition is allowed / disposed off.