
(2022) 10 OHC CK 0053
In the Orissa High Court
Case No : Writ Petition (CRL) No. 85 Of 2022

Satha Routray

APPELLANT

Vs

State Of Orissa & Ors

RESPONDENT

Date of Decision : 14-10-2022

Acts Referred:

Code of Criminal Procedure, 1973 — Section 161, 164

Citation : (2022) 10 OHC CK 0053

Hon'ble Judges : S. Talapatra, J; M.S. Sahoo, J

Bench : Division Bench

Advocate : J. Behera, P.K. Muduli

Final Decision : Disposed Of

Judgement

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Mr. P.K. Muduli, learned Addl. Government Advocate has placed before us a report from the IIC, Banapur P.S. From the said report, it transpires that the victim has been recovered.
3. Her statements under Sections 161 and 164 of the Cr.P.C. have been recorded.
4. When the parents of the victim were contacted, the victim (whose name is withheld by us for protecting her identity) had refused to go with her parents.
5. The victim has been produced before us today. Even now also she has clearly expressed that she will not like to live with her parents. Even though she has expressed that she can live with her great-uncle.
6. But we cannot definitely direct someone, who is not privy to this process, to provide her shelter. At present the victim is living in a safe home.
7. CWC, Khordha is taking due care of the victim, as per the report. We would request the Chairperson, CWC, Khordha to open up a dialogue with the great-uncle of the victim for purpose of breezing the gap so that the bridge of

confidence, between the parents and the victim can be established.

8. Till such time, the victim will continue to stay in the safe home where at present she has been put up.

9. Mr. J. Behera, learned counsel appearing for the petitioner on interaction has submitted that the petitioner is the grandfather of the victim. The petitioner has filed an affidavit. In Para 4 of the said affidavit we find some allegations of misbehavior have been made against the IIC, Banapur P.S.

10. But after interaction, we are of the view that the allegations as made casually do not warrant any adverse inference against the police officer.

11. The IIC, Banapur P.S. is present before us. He has categorically denied the allegation of misbehavior.

12. Having noted thus, we are of the view that this proceeding should come to an end. Accordingly this proceeding stands disposed of as infructuous..

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