
(2023) 02 RAJ CK 0061

In the Rajasthan High Court

Case No : D.B. Criminal Writ Petition No. 53 Of 2019

Suresh Kumar

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 15-02-2023

Acts Referred:

Indian Penal Code, 1860 — Section 365

Citation : (2023) 02 RAJ CK 0061

Hon'ble Judges : Vijay Bishnoi, J;Praveer Bhatnagar, J

Bench : Division Bench

Advocate : Abhishek Agarwal, M.A. Siddiqui, A.R. Malkani, Ravindra Singh

Final Decision : Dismissed

Judgement

This habeas corpus petition is filed by the petitioner alleging therein that his father aged about 55 years is missing since 27.11.2018 and in relation to that, an FIR No.577/2018 was lodged at the instance of petitioner's uncle at Police Station Rawatsar on 28.11.2018 for the offence under Section 365 IPC against unknown persons, however, the police is not tracing out petitioner's father and there is apprehension that he may be in illegal confinement of respondent Nos.5 and 6.

Pursuant to the notices issued by this Court, reply has been filed on behalf of respondent Nos.1 to 4 and various factual reports have been furnished from time to time, wherein the efforts carried out by the police to trace out the petitioner's father have been mentioned.

Learned AAG has submitted that the police has already interrogated the respondent Nos.5 and 6 thoroughly and found that the allegations levelled against them with regard to kidnapping the petitioner's father and keeping him in illegal confinement are not true. Learned AAG has also submitted that the police is making sincere efforts to trace out the petitioner's father, which are elaborated from the factual reports furnished from time to time.

Having heard learned counsel for the parties and after going through the latest factual report, we are of the view that it is not a case of illegal confinement but of a missing person, for which, the police is making efforts to trace out the corpus.

In such circumstances, no case for issuance of writ of habeas corpus is made out. Hence, this habeas corpus petition is dismissed.

However, the police shall continue with the search of the corpus and make every effort to trace him out.