

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No. \_\_\_\_\_ OF 2022  
(Arising out of SLP(Criminal) No. 10110-10112/2013 )

B. RAMACHANDRA CST VOLTAIRE

Appellant(s)

VERSUS

SRI AMULYA KUMAR JENA & ORS.

Respondent(s)

O R D E R

1. Leave granted.

2. The appellants are before this Court assailing the Orders dated 28.10.2013 and 28.11.2013 in W.P. No. 697 of 2013 and Order dated 28.11.2013 in RVWPET No. 236 of 2013 passed by the High Court of Judicature at Cuttack, Orissa.

3. The grievance essentially in these appeals is in respect of certain adverse observations made by the High Court against the appellant(s) herein, including certain directions to punish the appellant(s) and also the cost imposed.

4. The case before the High Court had arisen in a petition, where writ of *Habeas Corpus* had been sought by alleging that Ms. Mandakini Jena, his daughter was not being allowed to meet the writ petitioner as she was

abducted. Direction was sought to trace her.

5. In that circumstance, on noting that alleged detenu had married one Sri Bunu Behera, issue of direction to trace her did not arise. But, the High Court having noted that aspect of the matter, was however, of the opinion that the marriage, as facilitated by the appellant(s), was not justified. It is in that circumstance, certain adverse observations had been made by the High Court against the appellant which has led to these appeal(s).

6. During the pendency of this appeal(s), an affidavit sworn to by Ms. Mandakini Jena, has been filed before us.

7. A perusal of the same indicates that Ms. Mandakini Jena has sworn to the affidavit stating that she has voluntarily, out of her own will, married Sri Bunu Behera and as on the date of marriage both were majors. The date of birth is indicated as 21.01.1994. They had taken the help of the appellant(s) since the elders were opposed to the alliance.

8. It is further stated in the affidavit that Ms. Mandakini Jena and Sri Bunu Behera are living a happy married life and have two children born from the wedlock. Her parents also have reconciled.

9. In that circumstance, in our opinion, when the parties themselves are indicating the manner in which the marriage between them had taken place and the reason for which the parties had sought the assistance of the appellant's organization, it would not be justified for us to penalise the appellant(s) in the present circumstance.

10. Therefore, the Order(s) passed by the High Court to the extent of making adverse observations against the appellant(s) and directing criminal prosecution as also the imposition of fine, shall stand set aside.

11. The State Government shall however, monitor the working of all organizations of such nature and if only there is any activity contrary to law, appropriate action be taken.

12. The appeals are accordingly disposed of.

13. Pending application(s), if any, shall stand disposed of.

.....J.  
(A.S. BOPANNA)

.....J.  
(PAMIDIGHANTAM SRI NARASIMHA)

New Delhi  
11<sup>th</sup> October, 2022

ITEM NO.7

COURT NO.15

SECTION II-B

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal(CrI.)No(s).10110-10112/2013

(Arising out of impugned final judgment and order dated 28-10-2013 in WPCRL No. 697/2013 28-11-2013 in RP No. 236/2013 28-11-2013 in WPCRL No. 697/2013 passed by the High Court Of Orissa At Cuttack)

B. RAMACHANDRA CST VOLTAIRE

Petitioner(s)

VERSUS

SRI AMULYA KUMAR JENA &amp; ORS.

Respondent(s)

(IA No. 7803/2014 - PERMISSION TO FILE ADDITIONAL DOCUMENTS)  
(IA No. 25754/2013 - STAY APPLICATION)

Date : 11-10-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.S. BOPANNA  
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s) Mr. Colin Gonsalves, Adv.  
Ms. Kawalpreet Kaur, Adv.  
Mr. Satya Mitra, AOR

For Respondent(s) Mr. Shovan Mishra, AOR  
Mr. Bipasa Tripathy, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

The appeals are allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(NISHA KHULBEY)  
SENIOR PERSONAL ASSISTANT

(DIPTI KHURANA)  
ASSISTANT REGISTRAR

(signed order is placed on the file)