

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1597 of 2021

Khaga Naik (Khageswar Naik) Petitioner

Mr.N.K. Das, Advocate

-versus-

State of Odisha Opp. Party

Mr. A.N.Pradhan,
Addl. Standing Counsel

Mr. B.N. Mohapatra, Advocate
(for victim)

**CORAM:
JUSTICE S.K. SAHOO**

ORDER

14.07.2021

Order No.

05. 1. This matter is taken up by video conferencing mode.

2. An affidavit was filed in this case on 06.04.2021 by one Smt. Anita Behera (Naik), daughter of Kishore Behera, wife of Sri Khageswar Naik which was executed before Sri Pradipta Kumar Mohanty, Notary, Cuttack Town (Regd. No. ON-04/1995) on 06.04.2021 and the deponent has been identified by Mr. Bibekananda Mohapatra, Advocate. In the affidavit, the deponent mentioned about her marriage with the petitioner during 2019 and marriage photographs were also annexed to it. This Court vide order dated 27.04.2021 gave time to the learned

counsel for the State to submit a report after enquiring into the contents of the affidavit filed by the said Anita Behera (Naik) by the Investigating Officer.

3. Today, Mr. Abhinandan Pradhan, learned counsel for the State placed the report received from the Inspector-in-charge of Barkote Police station in which it is mentioned as follows:-

"1. Anita Behera, D/O- Kishori Behera is now residing in her father's house i.e., village Rengalbahal under Barkote P.S.

2. That I have contacted OIC Kundheigolala P.S & I.O. of this case, he stated that he verified at Vill-Gohida, P.S.Kundheigola during his investigation that the victim Anita Behera fled away from her house with accd. Khageswar Naik and stayed at Vill-Gohida in the house of accused Khageswar Naik. There is no marriage held between two as the victim is a minor one. After registration of the case, the victim Anita Behera was rescued and handed over to her parents. Since she is residing in her parent's house.

3. Being asked to the victim Anita Behera, she state that she has not signed in any affidavit filed before the Hon'ble Court, Cuttack."

4. In such state of affairs, this Court thinks it proper that the matter should be enquired into by the CID, Crime Branch, Odisha which is a premier investigating agency of the State as to whether the said Anita Behera (Naik) has sworn affidavit in question before Notary, Cuttack Town on 06.04.2021 being identified by Mr. B.N. Mohapatra and whether the signatures of Anita Behera appearing on the affidavit as well as Vakalatnama are genuine or not and whether the marriage photographs annexed to the affidavit are that of the petitioner and the victim or not.

5. A responsible officer of the Crime Branch shall be entrusted by the Superintendent of Police, CID, CB, Odisha to inquire into the matter who shall, inter alia, by examining the victim, Mr. P.K. Mohanty, Notary, Cuttack Town and also Mr. B.N. Mohapatra, Advocate who has identified Anita Behera (Naik) in the affidavit sworn by her and filed before this Court, submit a detail report in a sealed cover before the Registrar (Judicial) of this Court by 30th July 2021 which shall be placed on the next date.

6. The Registrar (Judicial) shall supply a Xerox copy of the affidavit sworn to by Smt. Anita Behera (Naik) along with copies of the annexed photographs and documents and copy of Vakalatnama filed by the victim to Mr. Abhinandan Pradhan, learned counsel for the State by tomorrow (15.07.2021) to do the

needful.

7. List this matter on 3rd August 2021 in the supplementary list. The Officer entrusted to enquire into the matter, shall appear in person through Video Conferencing on that date.

(S.K. Sahoo)
Judge

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