

Court No. - 31

Case :- HABEAS CORPUS No. - 27740 of 2021

Petitioner :- Km. Poonam Mishra (Minor) Thru. Mother Seema Mishra

Respondent :- State Of U.P. Thru. Prin. Secy. Home & Ors.

Counsel for Petitioner :- Satish Kumar Misra, Ashish Kumar Mishra

Counsel for Respondent :- G.A.

Hon'ble Vikas Kunvar Srivastav, J.

Case is called out.

Learned counsel for the petitioner, Sri Satish Kumar Misra, Advocate and learned A.G.A. for the State, Sri Anurag Singh Chauhan, Advocate are present.

Petitioner's next friend, mother (Seema Mishra) is present in person before the court. Opposite party no.3, Sub Inspector Arjun Singh, P.N.O. No.862250139, Police Station- Para, Lucknow is also present in person.

The petition is filed for issuance of writ in the nature of habeas corpus for production of the detinue, Poonam Mishra, a girl child whose date of birth is 24.3.2006 and is kidnapped by the opposite party no.4, 'Waris' and opposite party no.5, 'Fareed'.

Pursuant to the order of this court dated 27.11.2021, the opposite party no.3, S.H.O., Police Station- Para were to produce the detinue in person before the court but it is informed by the Investigating Officer present in the court that in Case Crime No. 467 of 2021 under Sections 363, 366, the efforts are being done for the recovery of the girl and arrest of opposite party no.4 but both of them are not traceable despite all efforts of tracing them. It seems that the tracing of the aforesaid opposite party no.4, Waris with the minor detinue, a girl child of 15 years is beyond the capacity of the opposite party no.3 or he is not interested in comply with the order.

The opposite party no.2, Commissioner of Police, Lucknow Commissionerate and the Director General of Police, Uttar Pradesh, are required to take suitable and appropriate steps for recovery of the detinue from the illegal detention of aforesaid Waris and to produce her before the court on 23.12.2021 keeping in mind the detinue is a minor girl about 15 years of age.

The opposite party no.2, Commissioner of Police, Lucknow Commissionerate is further directed to submit a personal

affidavit with regard to the action taken ensuring the recovery of minor girl from the opposite party no.4, Waris in case the girl is not recovered and produced before the court on the next date.

The report of Police Station, Para be placed on record.

Registrar Listing is directed to get the same digitized and upload on the record of e-court.

List on 23.12.2021.

Order Date :- 14.12.2021

Gaurav/-