

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPCRL No.16 of 2022

Adhyatmika Jena @ Pradhan

....

Petitioner

Mr.D.Mohapatra, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. A.P. Bose, Advocate for O.P.No.5

Mr. S.S. Kanungo, A.G.A.

CORAM:

SHRI JUSTICE S. TALAPATRA

SHRI JUSTICE B. P. ROUTRAY

ORDER

30.6.2022

Order No.

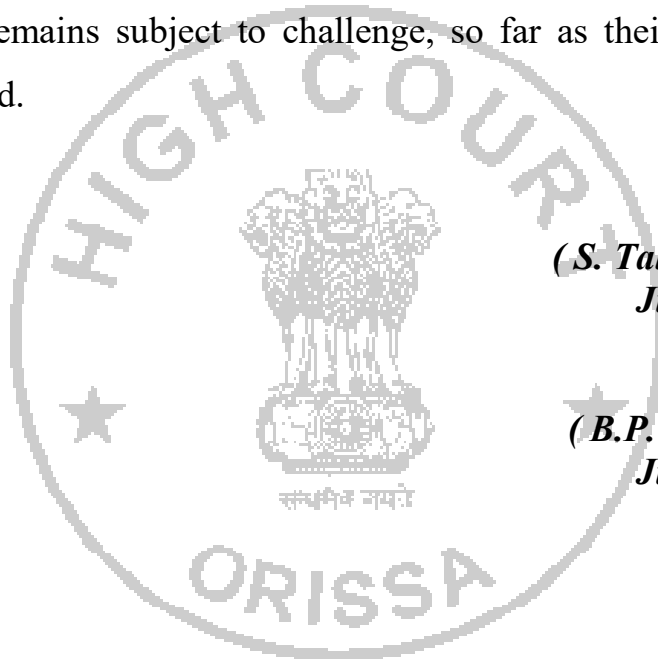
3.

1. The matter is taken up through Hybrid mode.
2. Mr.D.Mohapatra, learned counsel appearing for the Petitioner has submitted that he has instructions from the Petitioner to withdraw this petition.
3. Mr.A.P.Bose, learned counsel appearing for the Opposite Party No.5 has submitted that the Petitioner, by way of suppressing the material facts, has approached this Court and abused the process of law. Hence, Mr. Bose, learned counsel for the Opposite Party No.5 has objected against withdrawal. Such submission stands discarded by us.
4. Mr. S.S.Kanungo, learned counsel appearing for the Opposite Parties no.1 to 4 has submitted that this petition for issuance of the writ of habeas corpus is not maintainable, as from the inquiry, it has been established that the Petitioner had knowledge at the time of filing of this petition that the child was in the custody of the Opposite Party No.5.

5. Mr. Mohapatra, learned counsel for the Petitioner has expressed anxiety in respect of some documents lying with Opposite Party No.5, that those may be used in future by terming those as taken from the judicial records.

6. The petition stands dismissed as withdrawn, in view of the statement made by Mr. Mohapatra, learned counsel for the Petitioner.

7. The law is well-settled that, unless a Court takes a document on record following the due process, the document of such nature always remains subject to challenge, so far as their admission is concerned.



(S. Talapatra)
Judge

(B.P. Routray)
Judge