

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION NO. 8376 of 2022**

VIRENDRA RAMDHARI YADAV**Versus****STATE OF GUJARAT**

Appearance:

DR BALRAM D JAIN(3146) for the Applicant(s) No. 1

NOTICE SERVED for the Respondent(s) No. 2,3

MS MAITHILI MEHTA, APP for the Respondent(s) No. 1

CORAM: HONOURABLE MR. JUSTICE A.J.DESAI
and
HONOURABLE MR. JUSTICE NIRAL R. MEHTA**Date : 30/12/2022**
ORAL ORDER**(PER : HONOURABLE MR. JUSTICE A.J.DESAI)**

By way of present petition filed under Article 226 of the Constitution of India, the petitioner namely Virendra Ramdhari Yadav, father of the Corpus namely Sapna Virendra Yadav, has prayed to issue a writ in the nature of Habeas Corpus alleging that his daughter, at present aged about 16 years and 3 months, is missing and has been illegal detained. An FIR being C.R.No, 11210002221708 was registered with Sachin G.I.D.C. Police Station, Surat on 18.05.2022. Since, his daughter was missing and the police authority could not trace out her, present petition came to be filed.

The matter was listed on several occasions. Lastly, it was listed on 29.11.2022 and the order was passed by this Court directing the Deputy Commissioner of Police, Surat having jurisdiction over Sachin Police Station to look into the matter

and the matter was adjourned to 22.12.2022. Affidavit was filed by the Deputy Commission of Police, Zone – VI, Surat City on 22.12.2022 and on 22.12.2022, the matter was adjourned to 24.01.2023.

A request was made by learned APP Ms. Maithili Mehta that the police authority has traced out the Corpus and the Registry was asked to list this matter for hearing. Hence, present petition is listed on board today.

Dr. Balram D. Jail, learned advocate for the petitioner, was informed. Accordingly, he also remained present before this Court.

The matter was taken up for hearing in the chamber.

The Corpus namely Sapna Virendra Yadav, whose date of birth is 07.09.2006, was brought by Mr. D.K.Solanki, Police Sub Inspector and Ms. Hetalben Raybhanbhai, Woman Lok Rakshak, Sachin G.I.D.C. Police Station before this Court. On query, the Corpus states that she had left her home on her own Will with Jayjayram Pathak and she does not want to go with her father.

The police officers, who are present before this Court, state that considering the offence and the age of the Corpus, Jayjayram Pathak has been sent to judicial custody.

Considering the age of the Corpus, we hereby dispose of this petition with following directions.

The Children Home for Girls, Rander, Surat is hereby directed to have the custody of the Corpus and shall permit the Corpus to live till her wish.

It would be open for the Corpus to inform the Children Home for Girls, Rander, Surat, if she desires to go with her father.

With the above direction, present petition is disposed of. Notice discharged.

(A.J.DESAI, J)

(NIRAL R. MEHTA,J)

F.S. KAZI