

ITEM NO.27

COURT NO.1

SECTION II

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 (Cr1.) No(s). 11189/2022

(Arising out of impugned final judgment and order dated 08-09-2022 in DBHCP No. 263/2022 passed by the High Court Of Judicature For Rajasthan At Jodhpur)

NATHU KHAN

Petitioner(s)

VERSUS

THE STATE OF RAJASTHAN & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.179744/2022-EXEMPTION FROM FILING O.T.)

Date : 01-12-2022 This petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s) Mr. Prabodh Kumar, AOR
Ms. Priyanka Soni, Adv.
Mr. Rahul Trivedi, Adv.

For Respondent(s)

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

- 1 The petitioner is a 77 year old father who has alleged that his daughter is in the illegal confinement of the third respondent (Sonu @ Saddam).
- 2 While dismissing the petition for Habeas Corpus, the High Court relied upon a factual report tendered by the Additional Advocate General upon an investigation conducted by the Police.
- 3 The counsel appearing on behalf of the petitioner submits that it would have been proper for the High Court to direct production of petitioner's daughter in the court

to ascertain her wishes.

- 4 Having due regard to the circumstances noted above, we direct that the Principal District Judge, Sri Ganganagar, Rajasthan shall issue summons to the third respondent (Sonu @ Saddam) for the production of the petitioner's daughter (Balkisha). Notice shall be served on the third respondent through the SHO of the Police Station concerned.
- 5 The District Judge shall take steps to record the statement of Balkisha in an atmosphere free from coercion or duress and submit a factual report to this Court within a period of two weeks from today.
- 6 List on 16 December 2022.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR