

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CRIMINAL APPLICATION NO. 8126 of 2019

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TUNASINH JAYNARAYANSINH RATHOD(RAJPUT)

Versus

STATE OF GUJARAT

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Appearance:

MR. MUKESH T MISHRA(5900) for the Applicant(s) No. 1

for the Respondent(s) No. 4,5

MS JIRGA JHAVERI, PUBLIC PROSECUTOR(2) for the Respondent(s) No. 1

RULE SERVED BY DS(65) for the Respondent(s) No. 2,3

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CORAM:HONOURABLE MS. JUSTICE SONIA GOKANI

and

HONOURABLE MR. JUSTICE N.V.ANJARIA

THE HIGH COURT
OF GUJARAT
Date : 27/08/2020

ORAL ORDER

(PER : HONOURABLE MS. JUSTICE SONIA GOKANI)

1. This Court passed a detailed order on 24.08.2020, which reads thus:

"1. Today, the corpus is brought before us and has been presented through video conference arranged at City Civil Court, Ahmedabad in presence

of learned Judge Mrs. P.T.Ram. She refuses to meet the petitioner uncle. According to her, he attempted to marry her on his consideration which she resisted and therefore, she left and now has already married respondent no.5 – Anandkumar Shrinarayansinh Rajput resident of Muzaffarnagar.

2. Since she stated her Aadhar Card shows her birth date of the year 1999, her another Aadhar Card which has been produced by her uncle reflects her birth date 06.05.2002. going by either of the same, she is now major and she is no longer desirous to join her paternal uncle but desirous to join the respondent no.5.

3. Noticing the fact that the FIR is lodged with Vivekanand Police Station, Ahmedabad Rural being I-CR No. 25 of 2019 on 22.06.2019 for the offences punishable under Sections 363 and 366 of the Indian Penal Code, the verification of both the Aadhar Cards and the scrutiny with regard to the truthfulness of the documents will be very vital in the instant case. If her birth is in the year 1999 as she claims and that Aadhar Card is genuine, the entire edifice of FIR being I-CR No. 25 of 2019 will collapsed. It is therefore necessary for the Court to know the genuineness of the Aadhar Card possessed by the Corpus. It is more important in wake of the allegations made by the corpus against the paternal uncle. The Court also cannot be oblivious of the fact that this petition of habeas corpus is filed not by her father who is resident of Bihar. She has other siblings who are with her father.

4. The very object of filing this Habeas Corpus Petition also appears questionable in wake of the revealance made today and therefore, we have requested learned Public Prosecutor Mr. Amin to get both the Aadhar Cards verified within two days.

5. The corpus since has refused to even meet the petitioner and she is brought from Muzaffarnagar, it will be in the fitness of the things to bring the lady police officer who is accompanying her to take her to the Nari Vikash Gruh, Paldi. Learned Judge Mrs. Ram has also verified all the details from the corpus concerned. She may coordinate with the police agency which has remained present before her and ensure her safe transport to Nari Vikas Gruh, Paldi. It is conveyed to us that her report of COVID-19 virus has been taken yesterday and she has tested negative.

Let that report be carried by the concerned lady police officer as Women Protection Home will not permit entry without such report.

6. The matter is being posted on 27.08.2020.”

2. Learned APP, Ms. Jirga Jhaveri, on instructions, submits that Unique Identification Authority of India shall require specific direction and shall also require three clear days to verify and to report to this Court.

3. Let the authority concerned, Unique Identification Authority of India (UIDAI) verify these two Aadhar Cards, which shall be forwarded to it by the Anti-Human Trafficking Cell, Ahmedabad Rural, in connection with the FIR being I-C.R. No. 25/2019, registered with Vivekanandnagar Police Station on 26.06.2019.

4. The Registry shall **SEND** a copy of this order to the Office of the Learned Public Prosecutor which shall **FORWARD** the same to the concerned authority, the report of which also shall directly come in the name of the Registrar (IT), High Court of Gujarat, as well as through the Office of the Public Prosecutor, the High Court of Gujarat.

5. S.O. to **2ND SEPTEMBER, 2020.**

6. It is given to understand by the learned APP that the girly continues to be lodged at Nari Sanrakshan Gruha and so far, no arrest has been effected, in wake of the pendency of this report.

(SONIA GOKANI, J)

(N.V.ANJARIA, J)

MISHRA AMIT V./UMESH

