

भागवत कथा - 7

पूर्णमा कुमारी साहू (M.A.)

जब भ्राता वीरेंद्र देव दीक्षित को बदनाम करने की और झूठे कलंक लगाने की सारी कोशिशें असफल होने लगीं और षडयंत्रकारियों के मुँह पर ही आकर गिरने लगीं, उनके पास कुछ और नई चालें चलने के सिवाय दूसरा कोई रास्ता नहीं रहा।

Bhagawat Story-7

Poornima Kumari Sahoo:

When all the attempts of besmirching Spiritual Brother Virendra Deo Dixit were facing utter flops in series and their spits bouncing back to their own faces, the conspirators are being left with no alternatives except to invent new methods of harassing.

उड़ीसा राज्य के गाँव हरिपुर की गीता-पाठशाला में ज्ञान-मुरलियाँ सुनते-2 पवित्रता की महिमा और शक्ति को समझ चुकी पूर्णिमा साहू (डबल एम.ए.) को अपने माता-पिता द्वारा रची हुई शादी से अपने-आप को बचाने के लिए / अपनी पवित्रता की रक्षा करने हेतु उनके चंगुल से छूट कर फ़र्रुखाबाद स्थित आध्यात्मिक विश्वविद्यालय की ओर भागना ही पड़ा।

Having understood the glory and power of Purity in celibacy during the course of hearing murlies at Gita Pathshaala at Haripur in Orissa State, it has become inevitable for Miss. Poornima Kumari Sahoo, a post graduate, (Doule M.A) to resort to escape towards Farrukhabad in her attempt to rescue herself from the marriage arranged by her parents and save her purity.

इस बार हरिपुर निवासी और आध्यात्मिक विश्वविद्यालय के सदस्य प्रकाश प्रभाकर पात्रा के खिलाफ बालंगा थाने में (क्राइम नं. 8) तारीख 28-02-2009 को धाराएँ 366 और 34 भा.दं.सं. के अंतर्गत पूर्णिमा को किडनेप करने का केस फ़ाइल किया गया। कम्प्लेंट करने वाले कन्या के पिता महादेव साहू खुर्दा जिले के झिन्टिपटना गाँव के थे।

पढ़ाई गई पट्टी के अनुसार जाँच-पड़ताल करने वाले ऑफिसर ने एक रंगीन रिपोर्ट बनाई कि पूर्णिमा जब अपनी तय की गई शादी के मुहूर्त के एक हफ़्ते पहले शादी के कार्ड्स बाँटने के लिए हरिपुर गई, तो

मुल्लिजमों लक्ष्मीधर पात्रा, प्रकाश प्रभाकर पात्रा, गंगाधर पात्रा, मुरलीधर पात्रा और मनोरंजन सारंगी, जिन्हें यह शादी मंजूर नहीं थी, उन सबने मिल करके पूर्णिमा को जान से मारने के इरादे से किडनेप किया।

पूर्णिमा को तो पहले से ही शक था कि उसके पिता कुछ-न-कुछ तो गड़बड़ जरूर करेंगे। तो उसने पहले ही दिनांक **27-11-2008** को अपने पिता और रिश्तेदारों से अपने और हरिपुर के आध्यात्मिक विश्वविद्यालय के सदस्यों की सुरक्षा के लिए पुलिस रक्षण माँगते हुए (1) एम.डी.ओ., बिधान नगर, कलकत्ता, (2) चीफ़ मेट्रोपालिटन मैजिस्ट्रेट, सॉल्ट लेक, कलकत्ता को **रजिस्टर पोस्ट द्वारा पत्र भेजे, जिसमें पूर्णिमा ने अपने वयस्क होने का सबूत दिया और आध्यात्मिक विद्यालय में रहने की अपनी इच्छा प्रकट की।** परंतु, इन लिखित पत्रों पर पुलिस द्वारा कोई कार्यवाही नहीं की गई।

A kidnap case was registered in Balanga Police Station under Crime No. 8 dated 28th February, 2009 under sections 366 and 34 IPC against the said to be accused Prakash Pravakar Patra of Haripur, P.S. Balipatna, Dist Puri. The case was registered as per the written report of Mahadev Sahoo, father of Kum. Poornima Kumari Sahoo of village Jhintipatna, Dist Khurda of Orissa State.

The officer investigating the case under the influence of the inspirers has given a false report, with multicolored findings to the extent that on 21st November, 2008, Poornima had been to village Haripur for distribution of cards to her friends and relatives in connection with her ensuing marriage scheduled after a week the accused persons Lakshmidhar Patra, Prakash Pravakar Patra, Gangadhar Patra, Muralidhar Patra and Manoranjan Sarangi, who were not interested in the marriage have kidnapped Poornima from Haripur with intention to kill her.

Poornima had within her, her own doubt; that her father would resort to something untoward deed. As such she has well in advance i.e., on 27th November, 2008 submitted requests to the (i) S.D.O., Bidan Nagar, Calcutta, (ii) Chief Metropolitan Magistrate, Salt Lake, Calcutta, (iii) Officer-in-Charge, Police Station, Bally seeking police protection from her parents and relatives in apprehension of any harassment that may result out of the adverse interference of their parents. She has in her said requests made it very much clear that she is a major and intend to stay at Adhyatmik Vishwa Vidyalaya at her own volition. She has also submitted solid proof for her being major. However, the police authorities maintained silence.

पूर्णिमा के पिता सिर्फ F.I.R. दर्ज करके आध्यात्मिक विश्वविद्यालय के सदस्यों को जेल में डलवाने तक नहीं रुके बल्कि उन्होंने अपनी बेटी के किडनेपिंग व बंधक बनाकर आध्यात्मिक विश्वविद्यालय में रखने जैसे संगीन आरोप लगाते हुए एक हेबिअस कार्पस रिट पिटिशन (पिटिशन नं. 298/2009)

उड़ीसा हाई कोर्ट में दाखिल कर दी। धनबल और बाहुबल के जोर पर आध्यात्मिक विद्यालय के निर्दोष भाई लंबे समय तक जेल में सड़ते रहे। गंगाधर पात्रा और मनोरंजन सारंगी को जमानत लेने के लिए सुप्रीम कोर्ट तक धक्के खाने पड़े। उन दोनों को दिनांक 30-11-2009 को सुप्रीम कोर्ट द्वारा अंतरिम जमानत मिल गई।

The father of Poornima did not confine to simply lodging the F.I.R and getting the members of "AVV" confined in jail; A habeas corpus petition has been filed in the High Court of Orissa under case No. 298/2009 by Mahadev Sahoo, the father of Kum. Poornima Kumari Sahoo as if to rescue the girl and arrest the persons accused with colored allegations that his daughter was kidnapped and detained with Adhyatmik Vishwa Vidyalaya. The spiritual brothers had to, in the backdrop of muscle and money power, suffer in the jail for long. Gangadhar Patra and Manoranjan Sarangi had to suffer a lot to approach Supreme Court. They could however get interim bail on 30-11-2009;

उड़ीसा हाई कोर्ट ने उपरोक्त रिट पिटिशन में दिनांक 22-06-2009 को पूर्णिमा साहू को ढूँढकर कोर्ट के सामने पेश करने के आदेश दिए थे। पूर्णिमा को यह डर था कि लोक-लज्जा की आड़ में उसके पिताजी गुंडों-बदमाशों का सहयोग लेकर उसको जान से मारने की कोशिश कर सकते हैं। इसलिए उड़ीसा हाई कोर्ट न जाकर हाई कोर्ट के उक्त निर्णय को सुप्रीम कोर्ट में चैलेंज किया और खुद सुप्रीम कोर्ट के सामने पेश होकर पूर्णिमा ने अपनी स्वेच्छा से आध्यात्मिक विश्वविद्यालय में दाखिल होने का बयान दिया।

The High court of Orissa had by the time has already issued orders on 22-06-2009 to search for and produce Poornima before the court. Poornima has her own fears that her father may resort to kill her out of fears for the society. And for the reason she has challenged the decision of the Orissa High Court and submitted her statement before the Supreme court stating that she was staying at Adhyatmik Vishwa Vidyalaya at her own volition.

अब इस लिखत को आगे बढ़ाने के बजाय सुप्रीम कोर्ट ऑफ इंडिया ने दिनांक **28-01-2011** को जो आदेश दिए थे, उसमें से मुख्य अंश प्रस्तुत कर रहे हैं।

‘सुप्रीम कोर्ट ऑफ इंडिया

क्रिमिनल अपीलेंट जुरिस्टिडक्शन :

क्रिमिनल अपीलस नं. 260-262, 2011 के,

एस.एल.पी. (क्रिमिनल) नं. 7333-7335 (2009) से जनित :

पूर्णिमा कुमारी साहू : पिटिशनर्स

बनाम

उड़ीसा राज्य और अन्य : रिस्पान्डेन्ट्स:

साथ में

क्रिमिनल अपीलस नं. 263-265, 2011 के,

एस.एल.पी. (क्रिमिनल) नं. 7008-7010 (2009) से जनित

मनोरंजन सारंगी और अन्य: पिटिशनर्स

बनाम

उड़ीसा राज्य और अन्य: रिस्पान्डेन्ट्स:

“पूर्णिमा कुमारी साहू के पिता महादेव साहू ने एक हेबिअस कार्पस पिटिशन उड़ीसा हाई कोर्ट के सामने दाखिल कर दी, यह कहते हुए कि उड़ीसा राज्य और अन्य को यह डायरेक्शन दिया जाए कि कुमारी पूर्णिमा कुमारी साहू को पेश किया जाए।

दिनांक 22-06-2009 को हाई कोर्ट ने राज्य को आदेश दिया कि गुमशुदा कन्या को ढूंढकर हाई कोर्ट के सामने पेश करें।

अब हाई कोर्ट के इन्टेरिम आदेश को चैलेन्ज करते हुए वादी पूर्णिमा कुमारी साहू ने इस कोर्ट के सामने स्पेशल लीव पिटिशन दाखिल की। उस पिटिशन में याचिकाकर्ता पूर्णिमा कुमारी साहू ने कहा कि वह

‘आध्यात्मिक ईश्वरीय विश्वविद्यालय’ नाम की आध्यात्मिक संस्था में अपनी स्वेच्छा से, बिना किसी दबाव के दाखिल हुई और वहाँ अपनी पढ़ाई जारी रखना चाहती है।

दिनांक 14-01-2011 को वादी पूर्णिमा कुमारी साहू इस कोर्ट के सामने पेश हुई और कहा कि वह आध्यात्मिक ईश्वरीय विश्वविद्यालय में अपनी स्वेच्छा से रह रही है और अपने माता-पिता के साथ जुड़ना नहीं चाहती।

आज अर्थात् ता.28-01-2011 को वादी पूर्णिमा कुमारी साहू और उसके पिता महादेव साहू इस कोर्ट में हाज़िर हैं। आज फिर से वादी पूर्णिमा कुमारी साहू ने बयान दिया कि वह वयस्क है और अपने पिता के साथ जाना नहीं चाहती और वह आध्यात्मिक ईश्वरीय विश्वविद्यालय में अपनी स्वेच्छा से रह रही है। उसके वयस्क होने का तथ्य स्वीकृत है और विरोधी पक्ष के व उड़ीसा राज्य के अधिवक्ताओं ने उस तथ्य को नकारा नहीं है।

इस दृष्टि से वादी पूर्णिमा कुमारी साहू आध्यात्मिक ईश्वरीय विश्वविद्यालय, दिल्ली जहाँ वह पढ़ाई पढ़ रही है, वहाँ या अन्य कहीं भी जा सकती है और उड़ीसा हाई कोर्ट द्वारा रिट पिटिशन (क्रिमिनल) नं. 298/2009 के मुताबिक पास किए गए आदेश को अमल करने की ज़रूरत नहीं है।

नई दिल्ली

वी.एस. सिरपूरकर

जनवरी 28, 2011

टी.एस. ठाकुर ”

At this stage, instead of extending the narration, we prefer an extract of the order of Supreme Court of India, dated 28th January, 2011, be incorporated hereunder. However, a copy of the full judgment with full details and is narrated in English is annexed in the ensuing pages.

“Today, i.e., on 28th January, 2011, the appellant Kum. Poornima Kumari Sahoo and her father Mahadev Sahoo are present in the Court. Today again the appellant Kum. Poornima Kumari Sahoo has made a statement that she is major and does not want to go with her father and is living at Adhyatmik Ishwariya Vishwa Vidyalaya on her own will. The fact of her majority appears to be an admitted fact.

In that view, the appellant Kum. Poornima Kumari Sahoo is free to go anywhere including Adhyatmik Ishwariya Vishwa Vidyalaya, Delhi where she is allegedly

taking education and the interim orders passed by the High Court in W.P. (crl.) No.298 OF 2009 are not required to be executed.

New Delhi

sd. V.S. Sirpurkar

January, 28, 2011

sd.T.S. Thakur

इस जजमेंट द्वारा भारतीय सुप्रीम कोर्ट ने पूर्णिमा को अपनी इच्छा से कहीं भी जाने का जो आदेश दिया, वह एक बार फिर फर्रुखाबाद के जिला कोर्ट ने कुमारी सविता को आश्रम में जाने के लिए मना करके, भारतीय संविधान के द्वारा सबको जो स्वतंत्रता दी गई है, उस पर जो प्रतिबंध लगाया गया था, उसे याद दिलाता है।

The judgment of the Supreme Court in this case allowing Poornima to go to any place as she wishes; once again brings into remembrances as to how the District Court of Farrukhabad has restrained Miss Savita from going to Adhyatmik Vishwa Vidyalaya and as to how the freedom accorded by the Indian Constitution itself is constrained.

The order of the Supreme Court which is very much in English and brief in expression is annexed.

सुप्रीम कोर्ट ऑर्डर की कॉपी इसके साथ जुड़ी हुई है।

Complaint

Annexure - 1
24 APR 2009
2009/200

Form XLVII-- Form No. 118
P. M. Form No. 26

3950

241411

FIRST INFORMATION REPORT
(P.M. Rule 143)

(Under Section 154, Cr. P.C.)

Strike out which is not applicable

1. District Pur P. S. Balanga

Year 2009 FIR No. 8(6) Date 28.2.09

2. (i) Act IPC Sections 366/31

(ii) Act Sections

(iii) Act Sections

(iv) Other Acts and Sections

3. (a) Station Diary Reference : Entry No. Time

(b) Occurrence or Offence : Day Friday Date 21.11.08 Time not noted

(c) Information received at the Police Station : Date 28.2.09 Time 11 AM

(d) Date of despatch from P. S. 28.2.09 S.D.E. No.

4. Type of Information : Written

5. Place of Occurrence : Haripur

(a) Direction and Distance from P. S. 10 Km towards North of

(b) Address MSRO - Haripur P - Balanga

Dist - Pur Boat No.

(c) In case outside limit of this Police-station, then the name of P. S.

District

Complainant/Informant:

37

Name..... Sri Mahadeb Sahw

Father's/Mother's/Husband's Name..... S/o Late Debakar Sahw

Date/Year of Birth..... (d) Nationality..... Indian (Hindu)

Address..... Vill:- Thinti-patana PO - Chenti Crean
P3 - Balipatna Dist - Khurda

(f) Passport No..... Date of Issue..... Place of Issue.....

(g) Occupation..... S.O/S.T.....

7. Details of known/suspected/unknown/accused (attach separate sheet, if necessary)

- ① Sri Laxmidhar Patra
- ② Sri Prakash Patra
- ③ Sri Gangadhar Patra
- all of village - Hari-pur P3 - Balanga Dist Jharsuguda
- ④ Muralidhar Patra s/o Late Gouranga Patra
of Vill:- Chenti-patna P3 - Balipatna Dist - Khurda
- ⑤ Sri Manoranjan Sadangi s/o Basudeb Sadangi
of Vill:- Mukunda Daspur P3 - Balipatna, Dist - Khurda

8. Reasons for delay in reporting by the Complainant/Informant.....

Delay due to searching

9. Particulars of properties stolen/involved (attach separate sheet, if required).....


- 10. *Approximate value of properties stolen/involved.....
- 11. *Inquest Report/U.D. case No., if any.....
- 12. *F.I.R. Contents (attach separate sheets, if required) . . .

*the XEROX copy of the withdrawal report of the
 coupons, which has been treated as file is attached
 here with.*

*Sd/- D. Mishra, SI
 28-2-04
 SI C Balaya*

13. Action taken : Since the above report reveals commission of offence(s) u/s. (as mentioned at para 2) registered the case and refused investigation/and took up the investigation/directed* and DC Prasad has already taken up to take up the investigation/transferred to P.S. on point of jurisdiction.

F.I.R. read over to the Complainant/Informant, admitted to be correctly recorded and a copy given to the Complainant/Informant free of cost.


Signature of the Officer-in-charge, Police Station
Name Debanshu Mishra
Rank SI of Police
Personal Number, if any 816 nalgonda
Date 28.2.09

Mahadeva Seehar
Signature/Thumb impression of the
Complainant/Informant

FIRST INFORMATION REPORT

(Typed Copy)

(Under section 154, Code of Cr.P.C.)

1. District-Puri, P.S.-Balanga, Year-2009 FIR No.8(6) Date:-28.2.09
2. (i) Act-IPC, Sections-366/34.
3. (i) Date and hour of occurrence-Day-Friday, Date:-21.11.08
Time -Not noted.
(ii) Information received at P.S.—Date-28.2.09 Time-11 AM.
(iii) Date of dispatch from P.S.: 28.2.09.
4. Type of information: Written.
5. Place of Occurrence: Aaripur
(a) Direction & Distance from P.S.: -10 KM towards North to P.S.
(b) Address: At+PO-Haripur, P.S.-Balanga, Distt.-Puri
6. Complainant/Informant:
(a) Name:-Sri Mahadeo Sahoo
(b) S/o-Late Sh. Dibakar Sahoo
(c) Nationality: Indian
(d) Address:-VIII-Jhintipatna P.O.-Chintisan P.S.-Balipatna
Distt.-Khurda
7. Details of accused with full particulars:
1. Sri Laxmidhar Patra S/o-Sh. Lokanath Patra, 2. Sri Prakash Patra
S/o-Sh. Loknath Patra 3. Sri Gangadhar Patra S/o-Sh. Loknatha Patra
All R/o-VIII.-Haripur, P.S.-Balanga Distt.-Puri 4. Muralidhar Patra S/o-
Late Gouranga Patra R/o-VIII.-Ghintipatna, P.S.-Balipatna, Distt.-
Khurda 5. Sri Manoranjan Sadangi S/o-Sh. Basudeb Sadangi R/o-VIII.-
Mulkunda Daspur P.S.-Balipatna, Distt.-Khurda.
8. Reasons for delay—No delay.
9.
10.
11.

12. F.I.R. contents:-To, The Incharge, Balanga P.S. Sub:-Regarding Kidnapping of Purnima Kumar Sahoo. Sir, It is requested that I am Mahadeo Sahoo S/o-Late Sh. Dibakar Sahoo, R/o-Vill-Jhintipatna P.O.-Chintisan P.S.-Ballipatna Distt.-Khurda. My daughter Purnima Kumari Sahoo's marriage was fixed with Sh. Udinarayan Patra S/o-Sh. Muralidhar Patra S/o-Sh. Gaurang Patra of my village on 29.11.08 and the marriage cards were also distributed to the relatives. As per the demand of the Bridegroom's father I gave him Rs.1,20,000/- in front of Sridhar Behra S/o-Late Sh. Gopinath Behra R/o-Vill.-Jhintipatna, P.S.-Ballipatna Distt.-Khurda and Sh. Bhagwan Behra S/o-Sh. Madhav Behra, Vill.-Panikata, P.S.-Ballipatna, Distt.-Khurda. This was an inter caste marriage with the consent of bride and bridegroom but the father and the maternal uncle of the bridegroom were not ready internally for the same.

On 21.11.08 my daughter Purnima with her friend Pushpanjali Nayak d/o-Babajee Nayak R/o-Vill.+P.O.Jhintipatna P.S.-Ballipatna Distt.-Khurda went by scooty to distribute her marriage cards to Adhyatmik Ishwariya Vishwavidyalaya, Haripur run by Laxmidhar Patra, Prakash Patra and Gangadhar Patra- Maternal uncles of Uday Patra all S/o-Sh. Lokanath Patra Vill.-Haripur, P.S.-Balanga, Distt.-Puri and Pushpanjali Nayak dropping my daughter over there returned her home. With this intention that this marriage could not be performed and my daughter would go away from me all three persons alongwith one member of the Ashram- Manoranjan Sadangi S/o-Vasudeo Sadangi R/o-Vill.-Mukunddasapur, P.S.-Ballipatna, Distt.-Khurda have kidnapped my daughter.

In this regard talks were done in front of some respected persons of Haripur village and Smt. Budhimati Prishti-Zila Parishad of that area in presence of father and maternal uncles of the bridegroom. It has come out during talks/discussions that they have

sent the girl to Farrukabad and Laxmidhar Patra also accepted the same.

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On 28.11.08 Laxmidhar Patra, Smt. Budhimati Prishti-Zila Parishad of that area along with five persons of the village went to Farrukabad to bring the girl but they could not find the girl over there. Laxmidhar Patra (Maternal uncle of the bridegroom) stayed there and within four days on 30.11.08 he gave a letter to the respected persons who went there for bringing the girl to village Haripur.

On 30.11.08 the respected persons leaving Laxmidhar Patra at Farrukabad returned home without bring the girl and I bore all the expenditure for going to Farrukabad but Laxmidhar Patra could not bring the girl.

I have the application to the following officers:

25.11.08 Balanga Police Station Officer

12.12.08 D.C.P. Bhuvaneshwar

The Chairman, Orissa State Women Commission, Bhuvaneshwar

12.12.08 SHO Balipatna

18.12.08 Superintendent, Puri & S.D.P.O. Nilmapara

I have requested that Laxmidhar Patra has got the paper notorised in force and has not told the correct address. I have doubts that these Assamese have got my daughter involved in some illegal activities of have killed her.

I am, therefore, requesting you to kindly bring my daughter after doing the proper action in this regard.

I will be grateful for this kind work.

Yours truly

Mahadeo Sahoo

VIII-Jhintipatna

P.s. Balipatna

Date 28.02.09

//True Copy//

IN THE SUPREME COURT OF INDIA

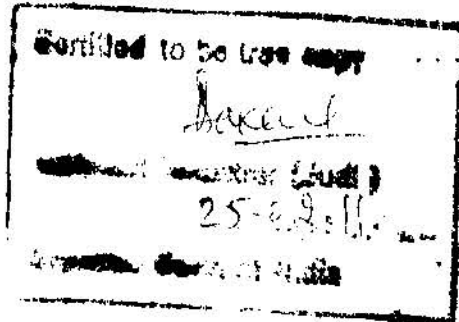
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. 260-262 OF 2011
[ARISING OUT OF S.L.P. (CRL.) NOS. 7333-7335 OF 2009]

PURNIMA KUMARI SAHOO

Versus

STATE OF ORISSA & OTHERS
WITH



Petitioner(s)

Respondent(s)

CRIMINAL APPEAL NOS. 263-265 OF 2011
[ARISING OUT OF S.L.P. (CRL.) NOS. 7008-7010 OF 2009]

MANORANJAN SARANGI & ORS.

Versus

STATE OF ORISSA & OTHERS

Petitioner(s)

Respondent(s)

ORDER

1. Leave granted.
2. Mahadeb Sahoo, father of the Purnima Kumari Sahoo-appellant herein filed a habeas corpus petition before the High Court of Orissa for issuance of direction to the respondents for production of the appellant.
3. Vide order dated 22.6.2009, the High Court directed the State to file an affidavit indicating the steps taken to

trace out the missing girl and also to produce her before it. Similar orders were passed from time to time by the High Court.

4. In the meantime, challenging the interim orders passed by the High Court, the appellant Purnima Kumar Sahoo approached this Court and sought permission to file Special Leave Petition. It was stated in the petition that the appellant joined a spiritual organisation namely; "Adhyatmik Ishwariya Vishwavidyalaya" in 2007 willingly and without any external threat, coercion or pressure and is pursuing her education there.

5. Vide order date 18.9.2009 passed by this Court, permission to file Special Leave Petition was granted and notice was issued.

6. On 14.1.2011, the appellant was present in the court and stated that she is living at "Adhyatmik Ishwariya Vishwavidyalaya" on her own will and does not want to join her parents. Accordingly, appellant and her father were directed to remain present in court on 28.1.2011 in order to establish the identity of the appellant.


7. Today i.e. 28.1.2011, the appellant Purnima Kumari Sahoo and her father Mahadev Sahoo are present in the court. The appellant has been identified by her father. Today again, the appellant has made a statement that she is major and does not want to go with her father and is living at


"Adhyatmik Ishwariya Vishwavidyalaya" on her own will. The fact of her majority appears to be a admitted fact and was not controverted by the counsel appearing for the parties including the State of Orissa.

8. In that view, the appellant Purnima Kumari Sahoo is free to go anywhere including "Adhyatmik Ishwariya Vishwavidyalaya", Delhi where she is allegedly taking education and the interim orders passed by the High Court in W.P. (Crl.) No. 298 of 2009 are not required to be executed.

9. Since the interim orders passed by the High Court shall not be required to be executed, we direct the disposal of the Habeas Corpus Petition before the High Court in terms of this order.

10. With these directions, the appeals stand disposed of.


.....J.
(V.S. SIRPURKAR)


.....J.
(T.S. THAKUR)

New Delhi,
January 28, 2011.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl) No(s).7333-7335/2009

(From the judgement and order dated 22/06/2009, 24.7.2009 and 11.8.2009 in WPCRL No. 298/2009 of The HIGH COURT OF ORISSA AT CUTTACK)

PURNIMA KUMARI SAHOO

Petitioner(s)

VERSUS

STATE OF ORISSA & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T., stay, exemption from filing c/c of the impugned order and office report)

WITH SLP(Crl) Nos. 7008-7010 of 2009
(With appln. for stay and office report)

Date: 28/01/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.S. SIRPURKAR
HON'BLE MR. JUSTICE T.S. THAKUR

For Petitioner(s) Mr. K.B. Upadhyay, Adv.
Mr. S.P. Singh, Adv. for
Mr. S.R. Setia, Adv.

For Respondent(s) Mr. Radha Shyam Jena, Adv.
Mr. Ajay Choudhary , Adv

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

Leave granted.

The appeals are disposed of in terms of signed order.

D.C.P. (Security), Supreme Court of India is directed to provide security to the appellant - Purnima Kumari Sahoo till she reaches Adhyatmik Viswavidyalaya, Vijay Vihar, Delhi.

(Pardeep Kumar)
Court Master

(Shashi Bala Vij)
Court Master

[REASONED ORDER WILL FOLLOW]



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IN THE HIGH COURT OF ORISSA : CUTTACK

CRLMC NO. 113 OF 2010

Code No. : 092100

IN THE MATTER OF: An Application under Section 482 of the code of Criminal Procedure Code seeking quashing of the FIR No. 8(6) Dated 28.02.2009 U/s. 366/34 IPC, P. S. – Balanga and G. R. Case No. 114 of 2009 of the Judicial Magistrate Firstclass, Nimapara.

AND

IN THE MATTER OF:

presented by B.O. 6 12-1-10

- 1. Sri laxmidhar Patra, aged about 43 years
- 2. Sri Pravakar Patra, aged about 38 years
- 3. Sri Gangadhara Patra, aged about 35 years, Petitioner No. 1 to 3 are Sons of Lokanatha Patra, of Village : Haripur, P.S. Balanga, Dist. : Puri.
- 4. Muralidhara patra, aged about 54 years, S/o. Late Gouranga Patra, of village : Chintipatana, P.S. : Balipatna, Dist. : Khurda.
- 5. Sri Monoranjana Sadangi, aged about 43 years, S/o. Basudeb Sarangi, of village : Kukunda Daspur, P.S. Balipatna, Dist. : Puri

..... Petitioners

Vrs.

- 1. State of Orissa
- 2. Superident of Police, Puri, Dist. : Puri



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3. Office-in-Charge, Balanga Police Station, At/P.O. : Balanga,
Dist. : Puri
4. Sri Mohadeb Sahoo, aged about 59 years, S/o. Late Dibakar
Sahoo, of Vill. : Jhintipatana, P.S. Balapatna, P.O.
Jhintيسان, Dist. : Khurda.

..... Opposite Parties

The matter out of which
↓



| Serial No. of Order | Date of Order | ORDER WITH SIGNATURE | Office note as to action (if any), taken on Order |
|---------------------|---------------|--|---|
| 10. | 29.07.2011 | <p data-bbox="702 371 1412 524">Heard Mr.A.C.Sarangi, learned counsel for the petitioners and learned Addl. Standing Counsel for the State.</p> <p data-bbox="702 535 1492 1321">In the present application under Section 482 Cr.P.C., prayer has been made by the petitioners to quash the criminal proceeding in G.R. Case No.114 of 2009 arising out of Balanga P.S. Case No.8(6) dated 28.2.2009 pending in the court of learned J.M.F.C., Nimapara for the alleged offence under Sections 365/34 I.P.C., inter alia, on the ground that the Hon'ble Supreme Court in S.L.P.(Crl.) Nos.7333-7335 of 2009 and 7008-7010 of 2009 filed by the alleged victim, namely, Purnima Kumari Sahoo came to be disposed of with the following directions:</p> <p data-bbox="829 1332 1476 1703">"In that view, the appellant Purnima Kumari Sahoo is free to go anywhere including "Adhyatmik Ishwariya Vishwavidyalaya", Delhi where she is allegedly taking education and the interim orders passed by the High Court in W.P.(Crl.) No.298 of 2009 are not required to be executed.</p> <p data-bbox="845 1714 1492 1954">Since the interim orders passed by the High Court shall not be required to be executed, we direct the disposal of the Habeas Corpus Petition before the High Court in terms of this order."</p> | |



| Serial No. of Order | Date of Order | ORDER WITH SIGNATURE | Office note as to action (if any), taken on Order |
|---------------------|---------------|----------------------|---|
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On perusal of the record, it appears that on 2.5.2011 when the matter was taken up Sri A.K.Parida, learned Advocate of the High Court Bar Association entered appearance on behalf of Opposite Party No.4 and accepted notice. It is stated by the learned counsel for the petitioner that Opposite Party No.4 had appeared before the Hon'ble Supreme Court through counsel and had identified the victim, namely, Purnima Kumari Sahoo (appellant before the Hon'ble Supreme Court) as his daughter. Although Sri A.K.Parida had accepted notice on behalf of Opposite Party No.4, he remained absent on two consecutive dates in spite of his name being published in the cause list.

The Hon'ble Supreme Court in the aforesaid case came to note that on 14.1.2011, the appellant (Purnima Kumari Sahoo) was present in Court and stated that she is living at "Adhyatmik Ishwariya Vishwavidyalaya" on her own will and does not want to join her parents and accordingly, the appellant's father was directed to remain present on 28.1.2011 in order to establish the identity of the appellant. On 28.1.2011, the appellant-Purnima Kumari Sahoo and her father, namely, Sri Mohadeb Sahoo



| Serial No. of Order | Date of Order | ORDER WITH SIGNATURE | Office note as to action (if any) taken on Order |
|---------------------|---------------|---|--|
| | | <p>(O.P.4) were present and the appellant was identified by her father in Court. Purnima Kumari Sahoo reiterated her statement that she is a major and does not want to go with her father and is living at "Adhyatmik Ishwariya Vishwavidyalaya, Delhi" on her own will. The Hon'ble Supreme Court also held that the fact of majority is the admitted fact and was not controverted by the learned counsel appearing for the parties including the State of Orissa.</p> <p>Considering the finding arrived at by the Hon'ble Supreme Court as noted hereinabove, I am of the considered view that end of justice would be best met and the abuse of the process of the Court could be avoided if the criminal proceeding in G.R. Case No.114 of 2009 arising out of Balanga P.S. Case No.8(6) dated 28.2.2009 pending in the court of learned J.M.F.C., Nimapara is quashed and this Court orders accordingly.</p> <p>Accordingly, the CRLMC is allowed.</p> <p>Urgent certified copy of this order be granted on proper application.</p> | |

Dr. I. Mohanty J


 2-8-11

