

(2012) 11 JH CK 0043

Jharkhand High Court

Case No: Writ Petition (H.B. Cr.) No. 331 of 2012

Smt. Meera Devi

APPELLANT

Vs

The State of Jharkhand and
Others

RESPONDENT

Date of Decision: Nov. 27, 2012

Citation: (2013) 1 JLJR 471

Hon'ble Judges: Prashant Kumar, J; Dhirubhai Naranbhai Patel, J

Bench: Division Bench

Advocate: Nitin Kumar Pasari, for the Appellant; R. Mukhopadhyay, S.C.-II, for the Respondent

Judgement

D.N. Patel, J.

The present Writ Petition (Habeas Corpus) has been preferred by the petitioner for getting custody of a boy namely, Sunil Oraon @ Ravish @ Kittu Kumar. Detailed order has been passed by this Court vide order dated 7th November, 2012 as well as 8th November, 2012. DNA test was ordered to be carried out and report was to be presented before this Court under sealed cover. Today the report under sealed cover has been presented by the counsel, who is appearing for the State. We have ordered to open it and looking to the report of DNA test, it appears that the report has been given by the Deputy Director, State Forensic Science Laboratory, Jharkhand Ranchi dated 16th November, 2012 which is forwarded to this Court vide letter dated 21st November, 2012. A copy of this report is given to the counsel appearing for the petitioner as well as to Smt. Bolo Orain. Looking to the said report, the DNA profile of boy, namely, Sunil Oraon @ Ravish @ Kittu Kumar, is matching with the DNA profile of Smt. Meera Devi and it does not match with the DNA profile of Smt. Bolo Orain. Conclusion given by Deputy Director, State Forensic Science Laboratory, Jharkhand, Ranchi reads as follows:-

Conclusion:

The DNA test performed on the exhibits noted above is sufficient to conclude that

1. Sunil Oraon alias Ravish alias Kittu Kumar (Source of exhibit marked-A) is biological male child of Smt. Meera Devi (Source of exhibit-B).
2. Smt. Bolo Orain is present in the Court. Police is also present along with Sunil Oraon @ Ravish @ Kittu Kumar, who was in custody of Smt. Pachwa Devi, Ward Member of Village-Ganeshpur, P.S.-Chango, District-Ranchi.
3. We have asked Smt. Bolo Orain, who is present in the Court along with her brother-in-law, namely Sri Manoj Kumar son of Mahesh Thakur. She has conveyed that she wants to engage a lawyer and she wants to submit about this report on the next date of hearing. She has also conveyed that she may be given legal assistance from this Court. She has again reiterated that she may be given legal assistance at the cost of Government. A copy of the report is given to her.
4. Looking to the report given by State Forensic Science Laboratory, Jharkhand, Ranchi, it prima facie appears to this Court that child, namely, Sunil Oraon @ Ravish @ Kittu Kumar is not the son of Smt. Bolo Orain rather he is the son of Smt. Meera Devi, who is petitioner in this case. Smt. Bolo Orain wants to challenge the report given by State Forensic Science Laboratory, Jharkhand, Ranchi. We, therefore, direct the State to give custody of boy, namely, Sunil Oraon @ Ravish @ Kittu Kumar to Boy's Observation Home, Dumardaga, Booty More, Ranchi. We also direct the Head of this institution to have the custody of this boy till next date of hearing and on the next date of hearing, the boy will be presented along with the police of Chango Police Station, before this Court at 10.30 A.M. All the necessity required for life like food, clothing, shelter, medicine etc. shall be provided to the boy by the Observation Home. We also direct the State to provide to the boy adequate protection in the Observation Home.
5. As Smt. Bolo Orain is seeking legal assistance, we hereby direct the petitioner to join Smt. Bolo Orain as Party-Respondent No. 7 to this writ petition, during course of the day by red ink. We hereby appoint counsel Sri Binod Poddar, Senior Advocate, who will be assisted by Sri Ashish Verma, Advocate on record in the panel of Jharkhand Legal Services Authority. He will assist the Senior Advocate Sri Binod Poddar and Senior Advocate Sri Binod Poddar will appear on behalf of Respondent No. 7 to assist this Court. We, therefore, direct Registry of this Court to supply copy of the writ petition as well as counter affidavit filed by the State as well as the Photo copy of the orders passed by this Court dated 7th and 8th November, 2012 and also the photo copy of the report given by Deputy Director, State Forensic Science Laboratory, Jharkhand, Ranchi to Senior Advocate Sri Binod Poddar as well as to the Advocate on record Sri Ashish Verma and in the meanwhile the custody of the boy will be with Boy's Observation Home, Dumardaga, Booty More, Ranchi. The Police Officer of Chango Police Station is hereby directed to hand over the custody of the boy to the Boy's Observation Home, Dumardaga, Booty More, Ranchi and the

report of handing over the custody of the boy will be submitted to this Court on the next date of hearing and the boy will also be presented before this Court on the next date of hearing by the Head of Chanho Police Station at 10.30 A.M. We, hereby direct the Director of Boy's Observation Home, Dumardaga, Booty More, Ranchi not to allow any body, particularly petitioner and Respondent no. 7, to approach the boy till next date of hearing. Matter is adjourned to be listed on 4th of December, 2012.