

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (HABEAS CORPUS) NO. 2832 of
2026**

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DEVENDRABHAI LAXMANBHAI PATEL

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR. MAULIK M SONI(7249) for the Applicant(s) No. 1

MS DIVYANGNA JHALA, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA

and

HONOURABLE MR.JUSTICE D. M. VYAS**Date : 26/02/2026****ORAL ORDER****(PER : HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA)**

1. Devendrabhai Laxmanbhai Patel has filed this petition contending that his daughter Daxaben has gone missing and has been illegally confined by respondent No.4- Ishwarbhai Bharatbhai Patel.

2. In the petition, Devendrabhai Patel has alleged that Daxaben was born on 1.1.2009. He has also produced the Aadhar Card at Annexure-A relating to Daxaben, in which the date of birth of Daxaben is reflected as 13.2.2008.

3. On advance notice, the Police have secured the presence of Daxaben and presented her before us. The police have also tendered the report, which is taken on record.

4. The police have also placed on record the school leaving certificate of Daxaben in which her date of birth is reflected as 1.1.2009.

5. It is, therefore, clear that there is a contradiction in the date of birth of corpus -Daxaben.

6. If the birth date mentioned in the Aadhar Card of Daxaben is taken into consideration she is a major and if the birth date mentioned in the birth certificate and the school leaving certificate is taken into consideration, then she is still a minor.

7. In view of the above, in our view, it would be appropriate to direct the police to conduct an investigation and submit a report as to the correct date of birth of Daxaben.

8. Corpus- Daxaben submits before us that she is in love with Ishwarbhai Patel and earlier she had eloped with him on three occasions. This assertion is disputed by the petitioner and he states that she had eloped only once.

9. Daxaben also submits that presently, she is not willing to go with her father.

10. Since as per the birth date of Daxaben mentioned in

the birth certificate as well as school leaving certificate, indicates that she is still a minor and since Daxaben has refused to go with her father, in our view, she would have to be lodged in Woman Protection Center, Lunawada, District Mahisagar till the next date of hearing.

11. Re-list on **11.03.2026**. On this date, the corpus will be produced before us.

Sd/-
(N.S.SANJAY GOWDA,J)

Sd/-
(D. M. VYAS, J)

OMKAR

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: OMKAR CHHAGANLAL MAHAWAR(HC00201), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 27/02/2026 14:40:05