

ITEM NO.56

COURT NO.8

SECTION PIL

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

WRIT PETITION (CRL.) NO(s). 70 OF 2010

BABITA SINGH

Petitioner(s)

VERSUS

DIRECTOR GENERAL OF POLICE, BIHAR & ORS.  
(With appln(s) for exemption from filing O.T.)

Respondent(s)

WITH W.P.(CRL.) NO. 98 of 2010  
(With appln. for exem. from filing O.T. and office report)

Date: 22/11/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.S. SIRPURKAR

HON'BLE MR. JUSTICE T.S. THAKUR

For Petitioner(s) Petitioner-in-person (not present)

W.P.(Crl.) 98 Ms. Pooja, Adv. for  
Mr. Santosh Kumar Tripathi, Adv.For Respondent(s)  
Res. No. 9 in  
W.P.(Crl.)70 Mr. Radha Shyam Jena ,AdvUPON hearing counsel the Court made the following  
O R D E R

1. Writ Petition (Crl.) No. 70 of 2010 has been filed by way of a letter petition allegedly written by one Babita Singh. In the said petition, the petitioner Babita Singh gave her address as under:

"Mrs. Babita Singh  
aged about 26 years,  
w/o Shri Bijay Singh,  
at present working as part time Hindi Tutor at  
S.S.G.

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headed by Smt. Minati Behera, Village Khunta,  
P.O. Kalama,

via Hatigarh  
District Balasore (Odisha)  
Pin: 756003 and  
permanent resident of :  
At/P.O. Cjamda-D., P.S. Dhareya,  
District Banka (Bihar)"

2. From the record of proceedings, it is clear that the

said Babita Singh never appeared before this Court and is continuously absent after the registration of this letter petition as a writ petition.

3. In this writ petition, an affidavit has been filed by Babita Singh, aged 28 years, w/o Sri Bijay Singh, R/o House No. 3, Gali No. 2, D- Block, Ajay Nagar, ATE Etmadpur, Meherpal, Faridabad, P.S. Sector-31 Distt-Faridabad, Haryana. In this affidavit, the said Babita Singh has given the present address as under:

"c/o Tulasi Dutta w/o Dillip Dutta, Village Sashan, PO. Paunskuli, via- Jamsuli, P.S. Singla, Dist. Balasore, Orissa."

In her affidavit, the petitioner Babita Singh has also stated that for her postal correspondence, she has authorised Smt. Tulasi Dutta to receive all the letters addressed to her from post peon or any courier service, as the case may be. It is found that Ms. Babita Singh has not been attending this court despite service and the record of proceedings show that she is continuously absent.

4. Another writ petition i.e. W.P.(Crl.) No. 98 of 2010. has been filed by Bijay Singh and Ganesh Singh, allegedly

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husband and father of Babita Singh respectively wherein it is alleged that the Babita Singh is in wrongful confinement of one Tapan Das - respondent No. 12. It is further alleged in the Writ Petition that on 25.11.2009, Babita Singh accompanied with few relatives was travelling in Vikramshila Express in Boggy No. S-10, birth No. 64 from Bhagalpur to New Delhi when she got down at Mughal Sarai station and after that her whereabouts are not known. An allegation has been made by the petitioner No.1- Bijay Singh in this writ petition against one Tapan Das who has been joined as respondent No. 12 that he has illegally detained his wife Babita Singh. Today, both Bijay Singh and Ganesh Singh are present in the court. However, today again, the petitioner - Babita Singh is not present in the court.

5. In Writ Petition (Crl.) No. 70/2010 filed by Babita Singh, a counter affidavit has been filed on behalf of Director General of Police, Odisha by one Santosh Kumar Nayak, S/o Ramnath Nayak, presently posted as SDPO, Jaleshwar, District Balasore, Orissa. In this affidavit, it is stated in para 8 that after verification from the said address and after contacting Smt Minati Behera, it was found that no such person in the name of Babita Singh was working under her institution/organisation. A letter addressed by Ms. Minati Behera is also filed before us along with the aforesaid counter-affidavit in which Minati Behera has stated that there is no such activity of teaching of the SHG and as per her knowledge, no such person has come to the

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village and it is not known whether Babita Singh was earlier or at present staying in the near village.

6. Ms. Pooja, learned counsel appearing on behalf of petitioner Vijay Singh in WP(Crl.) No. 98/2010 submits that Babita Singh is deliberately not appearing before this Court, though she is getting regular information of all the proceedings in this matter. It is also brought to our notice that Babita Singh is making RTI application before the Registry of this court and thereby getting the copies of the office reports supplied by the office in her writ petition.

7. After perusal of the record, it is found that Babita Singh has been served on 4th October and 13th October, 2010 at the address i.e. c/o Tulasi Dutta w/o Dillip Dutta, Village Sashan, P.O. Paunskuli, via- Jamsuli, P.S. Singla, Dist. Balasore, Orissa. We also find that the signatures of Babita Singh on the postal acknowledgment as well as on the affidavit sworn by Babita Singh, referred to above, appears to be similar. In that affidavit, she has also given her address which is mentioned in this paragraph.

8. We are not at all satisfied with the state of affairs

in respect of presence of petitioner Babita Singh before this court.

9. Ms. Pooja, learned counsel appearing on behalf of petitioner -Vijay Singh in Writ Petition (Crl.) No. 98 of 2010 earnestly argues that Babita Singh is deliberately keeping herself away from this court.

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10. Mr. R.S.Jena, learned counsel for the respondent No. 9 - Director General of Police, Odisha states that he had no idea about the above-mentioned address given by Babita Singh in her affidavit and, therefore, he seeks an opportunity to investigate the correct address of Babita Singh. For that purpose he prays four weeks' time. Time prayed for is granted.

11. Considering the seriousness of the issue, we also direct the learned District Judge, Balasore, Odisha to hold an inquiry to know about the whereabouts of Babita Singh. For that purpose the copies of the writ petitions namely; W.P. (Crl.) No. 70/2010 and 98/2010 as also this order be sent to the District Judge, Balasore, Odisha immediately. The District Judge, Balasore shall also report as to whether the said Babita Singh is under any kind of restrain from Tapan Das -respondent No. 12 or anybody else. The report shall be submitted within four weeks from today. The learned District Judge, Balasore shall also follow his own procedure in holding the inquiry.

12. List these petitions after four weeks. In the meantime, report from the District Judge, Balasore shall be filed before this court.

(Shashi Sareen)  
Court Master

(Shashi Bala Vij)  
Court Master