

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(CRL)No.177 of 2022

1. Jagannath Panda
2. Puspanjali Panda **Petitioners**

Mr. Jagannath Bhuyan,
Advocate

-versus-

State of Odisha & others **Opp. Parties**

Smt. Saswata Patnaik
Addl. Govt. Advocate for
opposite parties nos.1 to 3.

CORAM:
JUSTICE S.K. SAHOO
JUSTICE CHITTARANJAN DASH

ORDER
09.10.2023

Order No.

09. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioners and learned Addl. Govt. Advocate for the State.

Learned counsel for the State has produced the status report dated 29.08.2023 received from the Inspector in-charge of Town P.S., Phulbani with some documents regarding steps taken by the I.O. to rescue the victim girl. Though the F.I.R. indicates the name of the accused, but it is mentioned in the report that the family members including the parents of the

accused did not divulge anything during their examination, rather their house was found locked and mobile numbers were switched off. The said instruction is taken on record.

Learned counsel for the petitioners submitted that when with all the anxieties, the petitioners approached the police to know the whereabouts of their daughter, the Inspector in-charge of Town P.S., Phulbani is misbehaving with them.

If the submission of the learned counsel for the petitioners is found to be correct, then it is very unfortunate state of affair. Insensitive behaviour on the part of police personnel is not at all acceptable, especially when a minor girl is suspected to have been kidnapped. The mental maladies of guardians must not be thwarted by police officials in such callous manner. The Hon'ble Supreme Court in the case of **Yakub Abdul Razak Memon v. State of Maharashtra reported in (2013) 13 Supreme Court Cases 1** has explained the role of police officers under our constitutional set-up. Though the Hon'ble Court has given those observations in a different context, but it is pertinent and relevant for the present set of facts as well.

"837. In a civilised era, every country is governed by the rule of law and the primary concern of the rule of law is

promotion of human rights of the people and protection of their civil, political, social, economic and cultural rights. The Constitution of our country has entrusted substantial duty to the impartial Police Department for safeguarding and upholding rule of law; whose essential duty is to preserve peace and maintain order in the society.

XX

XX

XX

XX

842. As mentioned earlier, the police officials are the foundation for the existence of the rule of law; if they collapse the whole system indeed breaks down. Hence, they have the sensitive responsibility to defend the safety and security of the people at all times. Law empowers them with numerous powers to prevent and control crimes like terrorism affecting internal security. They should always remember that when they fail in their duty they eventually fail the society as a whole."

Therefore, it is important to remind the Police Department that they are the immediate protectors of common citizens and having been entrusted with such a vital responsibility, they are required to respond to the calls of duty in the most efficacious manner. Any failure on their part would render the entire society dysfunctional.

It is expected that the Inspector in-charge of Town P.S., Phulbani should behave with the petitioners properly in a dignified manner and give all kinds of support and assurance and also provide information to them regarding the steps that have been taken by the police to rescue the victim girl.

The Inspector in-charge of Town P.S., Phulbani is directed to appear before this Court in person on the next date which is fixed to 6th November 2023 with up to date case diary and instruction regarding the steps taken after 29.08.2023 to rescue the victim girl.

List this matter on 6th November 2023.

A free copy of the order be handed over to the learned counsel for the State which will be communicated to the Inspector in-charge of Town P.S., Phulbani for compliance.

(S.K. Sahoo)
Judge

(Chittaranjan Dash)
Judge