

Court No. - 1

Case :- CRIMINAL MISC. WRIT PETITION No. - 14394 of 2020

Petitioner :- Anushka Dwivedi And Another

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Ray Sahab Yadav

Counsel for Respondent :- G.A.

Hon'ble Ramesh Sinha,J.

Hon'ble Samit Gopal,J.

Sri Ray Sahab Yadav, learned counsel for the petitioners and Mrs. Archana Singh, learned A.G.A. for the State and Sri H.N. Pandey, learned Standing Counsel appearing for Central Board of Secondary Education, Prayagraj and Sri Ajay Sengar, learned counsel for the private respondent no.3 are present.

Sri H.N. Pandey, learned Standing Counsel for the C.B.S.E. has filed the photocopy of the original Gazette duly signed and stamped by the Assistant Secretary, C.B.S.E., Allahabad today in Court which is taken on record and made part of the record.

Looking to the urgency of the matter and the difference in the date of birth of the petitioner no. 2/Vipin Kumar in the document annexed as page-27/Annexure 3 to the writ petition and the document produced by the learned counsel for the Respondent No.3, this Court passed the following order on 09.12.2020:

"Sri Ray Sahab Yadav, learned counsel for the petitioners, Sri Ajay Sengar, learned counsel for private-respondent no.3 and Ms. Archana Singh, learned AGA for the State, are present.

It has been argued by learned counsel for the petitioners that the victim/petitioner no.1 Smt. Anushka Dwivedi is major girl aged about 19 years as per F.I.R. report as well as high school certificate, which has been filed at Annexure No.2 of the present petition. So far as petitioner no.2 is concerned, with whom it is stated that the victim/petitioner no.1 has eloped is also a major boy, whose date of birth has been mentioned as 10.02.1999 in the mark sheet of Secondary School Examination (Session 2014-16), copy of the same has been annexed at Annexure No.3 of the present petition.

Learned counsel for the private-respondent has also produced a photo copy of a document, which is stated to be Admit Card of the petitioner no.2 which bears Roll No.5066657 of Vipin Kumar son of Ram Prakash and his date of birth has been mentioned as 10.02.2002 therein. The same is taken on record.

The Secretary of Central Board of Secondary Education, Prayagraj is directed to produce the High School Certificate of Vipin Kumar bearing Roll No.5066657 which has been issued by the CBSE Board, tomorrow i.e. 10.12.2020 before this Court.

The Registrar General of this Court as well as learned AGA is directed to communicate this order along with the marksheet of the petitioner no.2 annexed at page No.27 of the writ petition and also the document produced by the counsel for the respondent no.3 terming it as the Admit Card of the petitioner no.2 to The Secretary of Central Board of Secondary Education, Prayagraj for necessary compliance and to verify the genuineness of both the documents.

List/put up tomorrow i.e. 10.12.2020 at 12:00 p.m. before the appropriate Bench.

Till then, no coercive action shall be taken against the petitioners in Case Crime No.0703 of 2020 under section 366 IPC, P.S. Kotwali Urai, District Jalaun.

The party shall file computer generated copy of order downloaded from the official website of High Court Allahabad, self attested by it alongwith a self attested identity proof of the said person(s) (preferably Aadhar Card) mentioning the mobile number(s) to which the said Aadhar Card is linked, before the concerned Court/Authority/Official.

The concerned Court/Authority/Official shall verify the authenticity of the computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing."

In compliance of the order dated 9.12.2020 Sri H.N. Pandey, learned Standing Counsel, who has appeared for C.B.S.E., has produced the original Gazette wherein verification of the documents annexed as page no. 27 of the writ petition regarding High School Certificate of Vipin Kumar bearing Roll No. 5066657 which is said to be issued by C.B.S.E. for the session 2014-16 has been sought. From perusal of the same we find that date of birth which has been mentioned in the document filed by the petitioner is 10.2.1999 and it was stated that the petitioner no. 2 Vipin Kumar is major and this fact has also been mentioned in para-8 of the writ petition whereas as per the Gazette of C.B.S.E which has been produced before the Court his date of birth is 10.2.2002 and as such he is aged about 18 years and is of not a marriageable age. In view of the same, the documents annexed at page no. 27 of the writ petition is a

forged and manipulated document to which learned counsel for the petitioners could not give any satisfactory reply.

In view of the above the writ petition is dismissed.

We therefore direct the Registrar General of this Court to file a complaint against the petitioner no. 2 in accordance with law forthwith before a competent court for filing a forged and fabricated document before this Court which is referred to in para--8 of the writ petition and annexed as Annexure No. 3 at page- 27 herein.

The party shall file computer generated copy of order downloaded from the official website of High Court Allahabad, self attested by it alongwith a self attested identity proof of the said person (s) (preferably Aadhar Card) mentioning the mobile number (s) to which the said Aadhar Card is linked, before the concerned Court/Authority/Official.

The concerned Court/Authority/Official shall verify the authenticity of the computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

(Samit Gopal, J.) (Ramesh Sinha, J.)

Order Date :- 10.12.2020/Naresh