

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.672 OF 2020

(Ramprasad s/o. Ramkishan Chavhan .vs. State, through Police Inspector, Social Security Branch, Crime Branch, Civil Lines, Nagpur and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr.R.M.Patwardhan, Advocate for the petitioner.
Ms H.N.Jaipurkar, A.P.P. for respondent no.1.
Mr.U.M.Aurangabadkar, A.S.G.I. for respondent
no.2.

CORAM : SUNIL B. SHUKRE &
AVINASH G. GHAROTE, JJ.

DATE : 20.1.2021.

1. We have heard this matter for sometime. Reply filed on behalf of respondent no.2/Unique Identification Authority of India is taken on record. On going through the reply, it is quite clear that unless rigor of Section 33 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (hereinafter referred to as "***the Aadhar Act***") is followed, no respite whatsoever could be granted to a distressed father like the petitioner herein. The essential requirement of Section 33 of the Aadhar Act, which empowers the High Court to share certain information specified therein with third parties, is of granting an opportunity hearing to the affected parties. The affected parties, as referred to in Section 33 of the Aadhar Act are the Authority and the concerned Aadhar number holder. In case of minor Aadhar

number holder, legal guardian or natural guardian could be affected person, but not so in the case of the Aadhar account holders, who have attained majority.

2. In the present case, the concerned Account number holder is Ms Pooja, daughter of the petitioner and with her date of birth being 19th August, 2000, there can be no dispute about the fact that today Ms Pooja has turned major. According to the petitioner, his daughter is still alive as he received an information that Ms Pooja has approached the Authority and has authenticated her information. According to the reply filed on record by the Authority, such authentication has been done by Ms Pooja on 17.2.2020. It would mean that, in February 2020, Ms Pooja was alive and was residing somewhere. It would also mean that, Ms Pooja having become capable of taking her own decisions on account of her attaining majority, an opportunity of hearing, in terms of Section 33 of the Aadhar Act, would have to be granted to her. But, as for now, it does not appear to be possible as the petitioner's case is regarding non-traceability of Pooja and non-availability of her present address. Nevertheless, some inference can be drawn in this regard by the Investigating Officer and therefore, this Court would like to know what further steps have been taken by the Investigating Officer in her effort to trace out whereabouts of Ms Pooja. This Court would also like to know from the Investigating Officer as to what made her write letter dt.19.10.2020 to the learned Public Prosecutor making a request to him to obtain

order of this Court for having access to the information retained by the Authority in respect of Ms Pooja, in-spite of her knowing that such information cannot be accessed unless Ms Pooja is traced out and her present address is obtained. Suitable affidavit-in-reply be filed.

3. The Investigating Officer would also incorporate in her reply the efforts made by her in obtaining CCTV record of relevant establishments situated in the vicinity of the spot from where Ms Pooja had gone missing.

4. List the matter after two weeks.

JUDGE

JUDGE

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