

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPCRL No. 131 of 2023

Antaryami Nayak

.... *Petitioner*
Mr. B.S. Das, Advocate

-versus-

*Principal Secretary of Home Department,
Bhubaneswar and Others*

.... *Opp. Parties*
Mr. A. Das, AGA

CORAM:
JUSTICE S. K. SAHOO
JUSTICE CHITTARANJAN DASH

ORDER
06.11.2023

Order No.

03.

1. Mr. Srikanta Kumar Pati, Officer-In-Charge, Pirahat Police Station, Bhadrak is present and he has produced detailed report regarding progress of investigation as per the order dated 09.10.2023.

2. This writ petition in the nature of habeas corpus has been filed by the father of the minor victim girl for a direction to the Opposite Party No.2- Superintendent of Police, Bhadrak and Opposite Party No.3-I.I.C. of Pirahat Police Station to rescue the victim girl from the illegal custody of Opposite Party No.4-Drubaraj Sethi @ Yubaraj Sethi and his father Opposite Party No.5-Bhagirathi Sethi. On the F.I.R. of the Petitioner, Pirahat P.S. Case No.187 of 2022 has been registered under Section 363 of the Indian Penal Code against Opposite Party No.4. As per the previous order, the I.O. is present.

3. During course of interaction with the Investigating Officer, we came to learn that even though the mother of the Opposite Party No.4 stated before him that she is having no ATM card but subsequently it came to light that her ATM card is being used for withdrawal of money within the limits of

Kendrapara district. However, the I.O. submitted that when instructions were sought for from the bank authorities to furnish the identity of the person who had withdrawn the money from the said ATM on a particular day at a particular time, the footages of the CCTV camera installed inside the ATM counter were verified and it was found that a person wearing a cap, almost covering his face, came and used the ATM card to withdraw money and left. The I.O. submitted that the identity of the person could not be ascertained due to such reason.

4. We find that in many a cases, a number of persons are making transactions in ATMs concealing their identity by covering their faces or by adopting some other methods. Therefore, if proper steps are taken by the bank authorities to install facial biometrics identification process at ATMs, when the user approaches the ATM, the system would ask the user to show his face to the camera. ATM security camera can monitor and record potential skimming operations and even stop them before it starts. If somebody steals ATM PIN (Personal Identification Numbers) and uses the card for withdrawal of money or for making any transaction, the same can be recorded which would facilitate to ascertain the person's identity, especially in cases where money is withdrawn illegally using ATM cards.

5. Learned counsel for the State submitted that he will apprise the authority of the State to have discussion with the bank authorities and particularly, the authorities of the Reserve Bank of India (RBI) to issue appropriate guidelines and make suitable infrastructure arrangement in that respect in ATMs to ensure that identities of persons making transactions can be retrieved by the investigating agencies as per the procedure of law, if need arises.

6. After going through the status report, since the Investigating Officer seeks some further time for rescuing the victim-girl and to trace out the accused, we are inclined to grant time and the matter is posted to 4th December, 2023. On that date, the I.O. shall remain present with the up-to-date status report

and shall apprise this Court about the developments made, if any, in the investigation in the meantime.

7. A free copy of the order be handed over to the learned counsel for the State.

(S. K. Sahoo)
Judge

(Chittaranjan Dash)
Judge

AKPradhan

