

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C)(HC) No.10/2022

Smt. Rekha Bhattacharjee (Nama Das)

..... Petitioner(s).

V E R S U S

The State of Tripura & others

.....Respondent(s).

For Petitioner(s) : None.

For Respondent(s) : Mr. S.S. Dey, Advocate General,
Mr. S. Ghosh, Addl. P.P.,
Ms. Ayantika Chakraborty, Advocate.

**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE S.D. PURKAYASTHA**

Order

11/12/2023

No one appears for the petitioner.

Heard Mr. S.S. Dey, learned Advocate General assisted by Mr. S. Ghosh, learned Addl. Public Prosecutor appearing for the respondents-State.

The instant writ petition was styled as a habeas corpus petition seeking, *inter alia*, a direction upon the respondents to investigate one G.B. TOP G.D. entry No.25 dated 06.05.2022 relating to the missing of the 16 year old son of the petitioner since 05.06.2022 and his production before this Court.

The averments of the writ petition disclose that the minor son of the petitioner went missing from an abandoned area situated nearby the house of the petitioner. Frantic search failed to trace him out on the following day. Thereafter, a G.B. TOP GD Entry No.25 dated 06.05.2022 was registered on which respondent No.3, the Superintendent of Police, West Tripura did not take any action. Rest of the averments disclose the repeated efforts made by the petitioner for recovery of the minor son which did not yield any result.

Pursuant to the orders passed by this Court earlier, the respondents-State filed counter affidavit. Progress reports were also submitted from time to time. One such report in compliance of the order dated 26.09.2022 indicates that one NCC P.S. case No. 2022NCC102 dated 19.07.2022 was registered under Section 363 of the IPC on the written information of the father of the missing boy namely Jaharlal Nama Das. Complainant was examined. Statements of close friends and family members were also recorded under section 161 Cr.P.C. and a sketch map of the P.O. with its index was also prepared. The report indicates that no fruitful result turned out upon examination of the above persons as all informed that they did not have any information about Samir Nama Das, i.e. the missing boy. Investigation continued to recover the missing boy as early as possible.

Learned Advocate General has relied upon the latest progress report furnished on 07.12.2023 submitted by the Addl. Superintendent of Police, West Tripura, Agartala. It is submitted that during investigation apart from taking the statement of the family members and his friends, messages were sent to all Police Stations for conducting search and the photograph of the missing boy was further affixed at various public places, such as Railway Station, ISBT, Truck Terminal, Motor Stands etc. A requisition was also made to S.P.(CS), West for arranging wide publication in at least three reputed National Newspaper of Assam, Tripura and West Bengal zone and also for flash telecast in the Electronic Media of Tripura regarding his missing. The police also collected the call details report of the mobile number "7005829765" but on analysis nothing could be detected as suspicious. Learned Advocate General submits that the investigating agency has not yet closed the case but no

successful result out of the persistent investigation has resulted as no leads are available despite best efforts by the investigating agency. In such a situation, if the investigation did not lead to any fruitful result, the case may have to be closed as without any clue. It is submitted that, therefore, no useful purpose will be served by keeping the instant writ petition alive. The petitioner has also not made any pinpointed allegation of kidnapping or abduction of his son by any person in particular. As such, the writ petition in the nature of a habeas corpus petition for production of the minor boy is also not legally tenable as no case of illegal detention at the hands of any person has been alleged. It is submitted that the boy has by now also turned major. It is not advisable to suspect or suggest any nefarious activities against the boy either.

Having considered the submission of learned Advocate General and after going through the latest progress report as well submitted by the investigating agency, we are of the view that no purpose would be served by keeping the instant writ petition in the nature of a habeas corpus petition alive. However, it is expected that the police would take the investigating process to a logical conclusion within a reasonable time.

With this observation, the writ petition stands closed.

(S.D. PURKAYASTHA), J

(APARESH KUMAR SINGH), CJ

PULAK BANIK Date: 2023.12.12
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