

HIGH COURT OF TRIPURA
AGARTALA

WP(C) 463 of 2024

Smt. Ratna Saha and Another

---Petitioner(s)

Versus

The State of Tripura and 3 Others.

---Respondent(s)

For Petitioner(s)	:	Mr. D. Bhattacharjee, Sr. Advocate. Mr. Samar Das, Advocate.
For Respondent(s)	:	Mr. Raju Datta, PP.
Date of hearing and date of judgment and order	:	10.07.2024.
Whether fit for reporting	:	No

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Judgment & Order (Oral)

Heard learned counsel for the parties.

[2] This is a petition under Article 226 of the Constitution of India for seeking the following reliefs:

- Admit this Petition*
- Call for records*
- Issue summon upon the Respondents and*
- After hearing the parties Issue a writ in the nature of Mandamus directing the State Respondents and each of them to Register FIR and cause an Investigation to find out the status of Smt. Soma Saha and bring her at Agartala within the jurisdiction of the Hon'ble Court forthwith AND Issue a writ in the nature of Mandamus directing the State Respondents and each of them to direct the investigation to be carried out by Crime Branch, Govt. of Tripura headed by Superintendent of Police and pass such other order or orders as the Hon'ble Court may deem fit and proper for the ends of justice.*

[3] The case of the petitioners is that the wife of the petitioner No-2 on 25-01-2024 at about 5.15 am usually left her house for morning walk and thereafter did not return to the house. Confronted with this situation petitioner no-2 started searching everywhere possible for her availability. Petitioner no-2 approached the respondent No-4 and registered her missing information. The petitioner no-2 came to learn that his wife is mixing with neighbour Mitali Chakraborty since last 6 months closely. Both of them are

doing morning walk and even passing time together as and when they have their time. It has learnt from the local people that on intervention of Mitali Chakraborty, she revealed that there was a love affairs between Soma Saha and Soriful Islam, tenant of Mitali Chakraborty. Petitioner No-2 each and every day is attending the Police Station twice but except the GD entry there is no development. The petitioner no-2 was never called by the Police. The respondents though have a duty to find out the wife of the petitioner No-2 but there is no effective action from their side. The petitioners further urged this court to interfere and direct them to find out the wife of the petitioner No- 2 by Crime Branch headed by the Superintendent of Police. It is further required that the said investigation should be under the supervision of the Hon'ble High Court.

[4] Today when the matter is called up, Mr. Raju Datta, learned PP appearing for the state-respondents has produced before this Court the report submitted by Officer-in-Charge, West Agartala Women PS wherein the efforts as laid by the investigating officer to trace the wife of the petitioner No.2 herein has not been indicated. In so far as investigation in respect of the place of residence about the stay of his wife along with the person from West Bengal is concerned, the investigating officer has indicated that steps are being taken for obtaining necessary permission from the authority.

[5] This Court is not inclined to take note of such statement as the date of making request before higher authorities is not indicated and no copy is enclosed to that effect. Neither it is mentioned that before which authority they have sought such permission nor any status with regard to such request is placed before this Court.

[6] This Court considers that the investigating officer is not performing his responsibilities as required and directs the Superintendent of Police, the respondent no.3 herein to look into this matter and take necessary steps in accordance with law as expeditiously as possible. The respondent no.3 is also directed to keep the petitioner no.2 informed about the development of the investigation.

[7] It is needless to say that if any assistance is required from the petitioner no.2, he may be approached and if any information is required by the petitioner no.2 he may make a written request to the respondent no.3.

[8] With the above observation and direction, this present writ petition stands disposed of. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

JUDGE

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