

**HIGH COURT OF TRIPURA
AGARTALA**

Crl.Petn. No.49/2024

Abdul Halim, son of Late Abdul Karim, resident of Village & P.O.-Khedabari,
P.S.-Sonamura, District-Sepahijala Tripura, PIN-799131, aged about 48 years.
..... Petitioner(s).

V E R S U S

1. The State of Tripura, represented by the Ld. Public Prosecutor, High Court of
Tripura, P.O.-Kunjaban, P.S.-New Capital Complex, Sub-Division-Sadar,
District-West Tripura.

.....Official Respondent(s).

2. Yeachin Miah, son of Harun Miah, resident of Khedabari, Ward No.2,
Sonamura, Sepahijala Tripura.

3. Maman Miah, son of Harun Miah, resident of Khedabari, Ward No.2,
Sonamura, Sepahijala Tripura.

4. Harun Miah, son of unknown, resident of Khedabari, Ward No.2, Sonamura,
Sepahijala Tripura.

.....Private Respondent(s).

For Petitioner(s) : Mr. Somik Deb, Sr. Advocate,
Mr. Panna Lal Debbarma, Advocate.

For Respondent(s) : Mr. Raju Datta, P.P.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

04/12/2024

Heard Mr. Somik Deb, learned senior counsel assisted by Mr.
Panna Lal Debbarma, learned counsel appearing for the petitioner and Mr. Raju
Datta, learned Public Prosecutor appearing for the respondent-State.

2. Petitioner is the father and informant who has instituted Sonamura
P.S. case No.2024 SNM 100 on 15.10.2024 in respect of kidnapping of his
daughter said to be a minor at the behest of the private respondents. It is
alleged that on 08.10.2024 the minor daughter of the petitioner went to attend
nature's call at around 12 a.m. outside their house. The private respondents
entered into the premises of the petitioner and kidnapped his minor daughter.

She is studying in Class-X in Khedabari School. It is also alleged that the private respondents used to often tease her whenever she was on her way to school. Respondent No.2 would also force her to marry him.

3. It is submitted that his daughter has been recovered by now and she is residing with the petitioner but the investigating authority has instituted the FIR only under Sections 137(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS, for short) though offence under Section 142 of the BNS regarding illegal confinement of the minor daughter has also been made out on the basis of the allegations. The investigation may not be conducted on the correct lines and may be misdirected. Therefore, petitioner has approached this Court invoking the inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS, for short) for inclusion of Section 142 of the BNS, 2023 in the FIR and for a direction upon the investigating authority to investigate on those lines also.

4. However, upon hearing learned senior counsel for the petitioner, it appears that petitioner has straightway invoked the inherent jurisdiction of the Court instead of approaching the Chief Judicial Magistrate, Sonamura where the proceedings are pending.

5. In such circumstances, learned senior counsel for the petitioner submits that liberty may be reserved to the petitioner to approach the learned Chief Judicial Magistrate, Sonamura to consider the request for inclusion of the provisions of Section 142 of the BNS, 2023 in the FIR and for suitable

directions upon the investigating authority to also conduct investigation on those lines.

6. Learned P.P. Mr. Raju Datta also submits that the petitioner has straightway invoked the jurisdiction of this Court instead of approaching the learned CJM, Sonamura.

7. Having considered the submissions of learned counsel for the parties, the instant petition is disposed of giving liberty to the petitioner to approach the learned Chief Judicial Magistrate, Sonamura in respect of the aforesaid grievances which may be considered in accordance with law.

Pending application(s), if any, also stands disposed of.

(APARESH KUMAR SINGH), CJ

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