

TRHC010021382025



HIGH COURT OF TRIPURA
AGARTALA

WPC (HC) 6 of 2025

Smt. Sanchita Barman (Debnath) (aged about 51 years), wife
of Sri Putul Debnath, resident of East Durgapur, P.O. + P.S.
Kailasahar, District- Unakoti, Tripura

.....Petitioner(s)

Versus

- 1. The State of Tripura**, represented by the Secretary,
Department of Home, Government of Tripura, New Secretariat
Building, P.O. New Secretariat- 799010, P.S. New Capital
Complex, District- West Tripura.
- 2. The Director General of Police**, Tripura Police
Headquarter, Fire Service Chowmuhani, AK Road, P.O.
Agartala- 799001, P.S. West Agartala, District- West Tripura.
- 3. The Superintendent of Police**, Unakoti, Tripura,
Kailasahar.
- 4. The Officer-in-Charge**, Kailasahar Women Police
Station, Kailasahar, Unakoti, Tripura.

.....Respondent(s)

For Petitioner(s)

: Mr. Debalay Bhattacharjee, Sr. Advocate
Mr. Samar Das, Advocate
Mr. Sayan Ghosh, Advocate
Mr. Agniva Chakraborty, Advocate
Mr. Subrata Roy, Advocate

For Respondent(s)

: Mr. Raju Datta, P.P.

HON'BLE JUSTICE DR. T. AMARNATH GOUD
HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

FINAL ORDER

19.05.2026

[1] Heard Mr. Samar Das, learned counsel appearing for the petitioner.
Also heard Mr. Raju Datta, learned P.P. representing the State-respondents.

[2] This present petition has been filed by the petitioner seeking the
following reliefs:

“(i) Admit this petition;

(ii) Issue RULE calling upon the respondents to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued directing the respondents and each of them to cause investigation into the complaint petitions submitted by the petitioner and recover the minor girl of the petitioner, namely, ***** and produce her before this Hon'ble Court;

AND

(iii) Issue RULE calling upon the respondents to show cause as to why a Writ in the nature of habeas corpus and/or any other appropriate writ/writs in the nature thereof shall not be issued directing the respondents and each of them to recover the minor girl of the petitioner, namely, ***** by directing the State instrumentalities to produce her before this Hon'ble Court;

AND

(v) After hearing the parties be pleased to make the Rule absolute, issuing direction to the respondents and;

AND/OR

Pass such further order and/or direction as Your Lordships may deem fit and proper for the ends and in the interest of justice.....”

[3] In a nutshell, the case of the petitioner is that, on 29.12.2023, at about 6.30 a.m., her the minor daughter was kidnapped by the accused, namely, Bishal Chakraborty who after kidnapping the minor girl had taken her to different places and raped her. The petitioner lodged written complaint with the respondent No.4, which was registered as Kailasahar PS case No. 3 of 2024 against the accused Bishal Chakraborty under Sections 417/363/376(2) (n)/506 of IPC and Section 4 of POCSO Act but, no action was taken by respondent No.4. It is further contended that a missing diary was also registered. It is also alleged that though the minor girl was recovered on 06.01.2024 but, the accused thereafter, had been threatening the petitioner and her minor daughter to kill her. The accused also threatened to marry the minor girl else he will again kidnap the minor girl of the petitioner. On 09.01.2024, the petitioner filed another complaint alleging *inter alia* that her daughter has been eloped by accused Bishal Chakraborty on 29.12.2023 from in front of the gate of her house. It is also alleged that on 26.01.2024 at about 9.00 am, the principal accused Bishal chakraborty along with some other persons forcefully

eloped her minor daughter and there has been no recovery of her minor daughter. The said case was registered as Kailasahar PS Case No. 8 of 2024 under Sections 366/506/342 of the IPC. It is further alleged by the petitioner that the respondents though investigated both the cases against the accused Bishal Chakraborty, but, no positive action has been taken rather the police authority having understanding with the accused persons, intentionally is not recovering the minor girl. Aggrieved thereby, the petitioner has preferred this instant petition seeking the aforementioned reliefs.

[4] This Court in the earlier order dated 20.01.2026 directed the Superintendent of Police of the concerned district to personally monitor in the matter and file an affidavit before this Court with regard to the steps the SP is taking in the matter and *prima facie*, this Court felt that the investigating officer who has booked the case on two occasions has not acted the manner in which he supposed to and he failed miserably in performing his duties. This Court further observed in the order dated 20.01.2026 that from the counter affidavit it appears that the parents of the missing child were not cooperating with the investigating officer for the purpose of printing her photographs or making wide publicity. Resultantly, this Court directed the parents to file their affidavit in the manner in which they want to cooperate with the investigation otherwise heavy cost would be cast upon them.

[5] It is seen from record that in compliance to order of this Court dated 20.01.2026, additional-affidavit has been filed on 24.04.2026 by respondents No.1 to 4 and a rejoinder affidavit has also been filed on 29.04.2026 by the petitioner with regard to the same order.

[6] A point-wise detailed report dated 16.04.2026 submitted by Superintendent of Police, Unakoti District has been annexed as Annexure- R/5 with

the additional affidavit dated 24.04.2026 filed on behalf of the respondents No.1 to 4. For the purpose of reference, relevant contents of point No.1 of the said report dated 16.04.2026 is extracted as under:

“Point No.1. ***It is also to mention here that during the investigation of the first case i.e WKS PS C/No 03/2026 the victim girl was recovered and arranged to recording of her judicial statement of victim was arranged U/s-164(5) of Cr.P.C. In Judicial statement the victim, girl stated that “I was in love affairs with Bishal Chakraborty. Since my parents has fixed my marriage with another person against my willingness, I voluntarily on 29/12/2023 went out from my house to meet Bishal Chakraborty at Agartala. My parents have physically tortured me when I objected against the marriage they had fixed for me. I pressurized Bishal Chakraborty to take me along with him as I was not willing to return back home due to fear of being given marriage with another guy by my parents”. After that the victim girl was handed over to her legal guardian observing all legal formalities. But from there, she again eloped. In this reagard, another case vide WKS PS case No-08/2026 has again been registered.....”**

[7] In point No.5 of the said report dated 16.04.2026, it is mentioned that during investigation of the second case vide Kailashahar Women PS case No. 2024WKS008 dated 23/02/2024 U/S 366/506/342 of IPC, it is seen that the parents of the victim girl did not give consent for publishing her photographs and also did not give her photographs to police to facilitate effective search. It is further mentioned that to trace out the victim girl, police was in constant touch with her parents but no specific clue regarding the missing/absconded person had so far been received and the investigating officer of the case reflected/noted the matter in CD No. 11 dated 28.03.2024, CD No. 22 dated 23.06.2024 and CD No. 34 dated 10.03.2025. But, thereafter on 13.04.2026, the guardians of the victim girl produced a copy of photograph of victim girl to the IO for wide publication and accordingly wide publication of the photo of the victim has been arranged through the ICAT department for effective search of the victim.

[8] The petitioner by submitting her rejoinder affidavit dated 29.04.2026, in paragraph No.4 has informed that her elder daughter's husband had provided her with photographs of her missing daughter's wedding with the accused, which were available on social media platforms, namely Facebook and Instagram and the details of the relevant links with that regard and the related photographs were duly provided to the investigating authorities whenever the same were sought during their visits.

[9] In view of the above discussions, this Court is of the view that since the petitioner is now cooperating with the investigating authorities, the respondents be directed to investigate into the matter whether the daughter of the petitioner was kidnapped or eloped with the accused voluntarily at the time of alleged incident and also to determine the age of the victim girl at the time of the alleged incident and thereafter, take appropriate action in accordance with law. Accordingly, the same is ordered. All the necessary actions be taken by the respondents in this regard at the earliest. The petitioner is also directed to keep cooperating with the investigating authorities whenever it is required.

[10] With the above observations and directions, the present petition filed by the petitioner is disposed of. As a sequel, miscellaneous application(s), pending if any, shall also stand closed.

S. Datta Purkayastha, J.

Dr. T. Amarnath Goud, J.