

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Via Video Conference)

WPA 9822 of 2020

Salam Uddin Ahmed
Vs.
Aman Ranjan Sinha & Ors.

Mr. Deepak Prahladka
Mr. Sarfaraz Hossain
... For the petitioner

Mr. Rana Mukherjee
Md. Sabir Ahmed
... For the State

The matter pertains to the missing wife of the petitioner.

The previous order of December 10, 2020 recorded the petitioner's claim that the petitioner's wife had been enticed away to her paternal place in Munger and had been kept confined there and not allowed to return.

Such order also recorded that the State had filed a report which revealed that the lady, Anamika Sinha, had been contacted by the Officer-in-Charge of Jadavpur Police Station and she had communicated that she was well in Munger and did not intend to return to Calcutta.

Since the report based on telephonic conversation was without any degree of certainty as to who the owner of the voice on the other side could be, the police authorities were directed to do better. The police was directed to

ensure that Anamika Sinha recorded her statement under Section 164 of the Code of Criminal Procedure, 1973 before a Judicial Magistrate.

A further report has been filed by the Officer-in-Charge of Jadavpur Police Station through the office of the State's advocate-on-record. Such report of December 21, 2020 reveals that a team was deputed to locate Anamika Sinha and such team travelled from Calcutta to Munger and caused Anamika Sinha to be produced before a Judicial Magistrate who recorded her statement under Section 164 of the Code. A copy of the statement has been appended to the report.

In the light of the above, it is evident that the so-called missing person is no longer missing. She has been found to be alive and kicking in Munger. She has recorded her statement before a Judicial Magistrate and the judicial officer did not find anything untoward.

It is possible that the lady may have been detained in Munger beyond her wishes. However, for that purpose, the petitioner must knock on other doors. In habeas corpus proceedings, once the missing person is found and found to be in appropriate custody or not apparently kept confined, the matter has to end.

Accordingly, WPA 9822 of 2020 is disposed of. The petitioner will be entitled to obtain a copy of the report filed

in Court today. Such report will be retained with the papers.

Certified website copies of this order, if applied for, be urgently made available to the parties, upon compliance with the requisite formalities.

(Sanjib Banerjee, J.)

(Arijit Banerjee, J.)