

W.P.A.(H) No.25 of 2021

**In re: An application under Article 226 of the
Constitution of India:**

And

24.08.2021
Sl-10
Ct.30
(S.R.)
via video
conference

In re:

Nurul Islam

v.

The State of West Bengal & Ors.

Mr. Partha Sarathi Das

Mr. Kaushik Biswas

... for the petitioner.

Mr. Rana Mukherjee

Mr. Sabir Ahmed

... for the State.

This *habeas corpus* application has been filed by the father of the missing person. It is alleged that the petitioner came to know that his son Nefaur Rahaman was taken to Bengaluru by the respondents no.4, 5 and 6 by misleading him and is missing therefrom since 5th January, 2021. A complaint was lodged with the Kaliachak Police Station, which culminated in the said Police Station Case No.157/21 dated 9th February, 2021 under Sections 363/365 of the Indian Penal Code. Subsequent to such complaint since no convincing steps were being taken by the respondents no.2 and 3, the petitioner approached this Court. A report was filed on 19th July, 2021 by the officer-in-charge of Golapganj Investigation Centre, Kaliachak Police Station, Malda. A further report has been filed today. This report is also prepared by the officer-in-charge of Golapganj Investigation Centre, Kaliachak Police Station, Malda on

15th August, 2021. The said report is taken on record. On perusal of the said report it appears that in course of investigation the police officials went to Bengaluru and came to learn that the said, Nefaur Rahaman, is missing from Surfuji Palangji Construction Labour Shed Doddakannalli Sarjapur Main road, Bengaluru City, Karnataka where he was working, which has been duly reported by his employer to Belladuru Police Station and a Police Case being PS Case No.0029/2021 dated 12th February, 2021 of the said police station has also been registered. It also reveals from the report that necessary steps have been taken by the police authorities but despite best endeavour the victim has not yet been traced out.

After considering the report we find that there is no point in keeping this application pending any further. The victim is missing since January 2021 from Bengaluru and a Police Case at Bengaluru has also been lodged in this regard. The victim as appears from the report is a mental patient and does not use a mobile phone. The colleagues of the victim have not been also able to give any information about the victim. We are also convinced from the report that necessary steps have been taken for tracing out the victim but unfortunately he has not been recovered till date. We are also unable to conclude that the detunu is under detention without any authority of law.

In such facts and circumstances, we dispose of this *habeas corpus* petition, being WPA (H) 25 of 2021 by allowing the petitioner to approach the competent court and/or forum for necessary orders in connection with the police cases already initiated.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Arindam Mukherjee, J.) (Tapabrata Chakraborty, J.)