

06/01/2021
Item No.43 (t)DL
AB/S DE

Through Video Conference

W.P.A. 6990 of 2016

**Manowara Begum @ Manoyara Begum
-Vs-
The State of West Bengal & Ors.**

Mr. Rana Mukherjee, Ld. APP,
Mr. Sabir Ahmed ...for the State.

Going by the material papers on record in this writ petition seeking a writ in the nature of habeas corpus and complaining that no due investigation is being conducted on the basis of the allegation that the petitioner's son went missing, we see that an order was minuted on 29th June, 2016 by a Division Bench of this Court recording that it is not satisfied with the investigation process. Obviously, learned Public Prosecutor had also gone through the case diary before that order was issued.

The substance of the case appears to be that the victim boy went to Chennai along with his maternal uncle who thereafter returned without the boy in his company.

Now, we have before us a report signed by the S.I. of Police, who is the Officer in charge of the Galsi Police Station. That report is dated 5.1.2021.

The said report is taken on record.

Having perused that report, we are satisfied that due, fair and proper investigation with requisite vigour has not been carried out though many missing links could have been better handled on proper investigation.

We are of the firm view that this case requires to be reinvestigated by a competent authority, which can be entrusted with the investigation. We see that this case involves inter state activity and, therefore, in the fitness of things, it would be appropriate that this case is handed over to the Central Bureau of Investigation to investigate afresh, more particularly because efforts shown to have been made by the investigating officer from the State of West Bengal have not yielded fruits till now.

In the result, the criminal case registered as Galsi Police Station Case No.79 of 2014 of the Galsi Police Station is hereby ordered to be handed over to the Central Bureau of Investigation.

The Central Bureau of Investigation is directed to take up that case for reinvestigation. The investigating officer will hand over the case file within a period of three weeks from date to the Central Bureau of Investigation. Any criminal court dealing with that matter as of now will also carry out consequential action, as may be necessary, to effectuate the direction in this order.

Registry is directed to communicate this order to the Office of the Central Bureau of Investigation and also to the Office of learned Additional Solicitor General.

The writ petition is disposed of leaving open the right of the petitioner to seek relief before the appropriate court in the event of it becoming necessary to do so.

(Thottathil B. Radhakrishnan, C.J.)

(Arijit Banerjee, J.)