

03.02.2022
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ns/pg Ct.16

WPA (H) 2 of 2022

Saker Ali Molla.

Vs.

The State of West Bengal & Ors.

Mr. Indrajit Roy Chowdhury,
Ms. Dona Akter ... for the petitioner.

Mr. Ajit Kumar Chaubey,
Mr. Ram Chandra Agarwal,
Ms. Shakshi Rathi ... for the respondent no.6.

Mr. Anirban Ray, Id. G. P.,
Mr. Debasish Ghosh,
Mr. Nilotpal Chatterjee .. for the State.

We have heard Mr. Indrajit Roy Chowdhury, learned counsel appearing for the petitioner, Mr. Debasish Ghosh, learned counsel appearing for the State and Mr. Ajit Kumar Chaubey, learned counsel appearing for the respondent no.6.

The petitioner is the father of Salma Khatun, who is said to have missing from 25th June, 2019. According to the petitioner, he had suspected that 6th respondent had kidnapped his daughter and therefore, a police complaint was lodged. When the matter was heard today, the learned counsel for the 6th respondent has appeared and stated that his client has married the girl, the daughter of the petitioner.

The allegation in the complaint is that the petitioner's daughter, Salma Khatun, was missing and at the relevant time, she was a minor and according to the petitioner, she had married the 6th respondent. Subsequently, this habeas corpus petition was filed with the suspicion that the petitioner's daughter is not alive. Today, when the matter was taken up, the learned counsel appearing for the 6th respondent submitted that the 6th respondent has married to the petitioner's daughter and they are living happily and they are present in Court. However, we cannot undertake a process of identification of the petitioner's daughter, who is presently stated to be the wife of the 6th respondent and prays for the police authorities to satisfy themselves as to the submission made by the 6th respondent. Therefore, the appropriate course would be to appear before the concerned police, who shall direct the victim girl to appear before the jurisdictional Magistrate for the purpose of recording her statement.

The learned counsel appearing for the 6th respondent submitted that his client and his wife (victim girl) genuinely apprehend danger to their lives, if they have to go to their place where the police station is situated and pray that the authorities may direct them to appear before some other police station and not with the Joynagar Police Station.

Without expressing any opinion on the apprehension of the 6th respondent and the victim girl, we permit them to appear before the 3rd respondent, viz., Superintendent of Police, District – South 24 Parganas tomorrow so that necessary steps may be taken by the police and the matter be disposed of.

With the above observations and directions, the writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. Sivagnanam, J.)

(Hiranmay Bhattacharyya, J.)